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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 19-CR-00223(BMC)

-against- : United States Courthouse
: Brooklyn, New York

AKMAL NARZIKULOV, : Tuesday, July 1, 2021
: 9:30 a.m.

Defendant.

A B B E A R A N C E S:

For the Government: JACQUELYN M. KASULIS, ESQ.
Acting United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: VIRGINIA NGUYEN, ESQ.
F. TURNER BUFORD, ESQ.
Assistant United States Attorneys

For the Defendant: LAW OFFICE OF PETER J. GUADAGNINO
50 Court Street
Suite 702
Brooklyn, New York 11201
BY: PETER J. GUADAGNINO, ESQ.
ILEANA MONTES, ESQ.
(Of Counsel)

Court Reporter: Stacy A. Mace, RMR, CRR, RPR, CCR
Official Court Reporter
E-mail: SMaceRPR@gmail.com

25 Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

Proceedings

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1 (In open court - jury not present.)

2 (Defendant entered the courtroom.)

3 THE COURTROOM DEPUTY: All rise.

4 (Judge BRIAN M. COGAN entered the courtroom.)

5 THE COURT: All right, good morning.

6 Any reason we shouldn't bring in the jury?

7 Okay, let's have the jury.

8 (Witness entered and resumed the stand.)

9 (Jury enters.)

10 THE COURT: All right, everyone be seated.

11 Good morning, ladies and gentlemen.

12 THE JURY: Good morning.

13 THE COURT: We are making good progress. We will
14 continue with cross-examination.

15

16 (Continued on the following page.)

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Galicia - cross - Guadagnino

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1 MELISSA GALICIA,

2 called as a witness by the Government, having been
3 previously duly sworn/affirmed by the Courtroom Deputy,
4 was examined and testified further as follows:

5 CROSS-EXAMINATION

6 BY MR. GUADAGNINO:

7 Q Good morning, again, Agent Galicia.

8 How are you?

9 A Fine, thank you.

10 Q You're good?

11 A Yes.

12 Q Okay. So, yesterday before we broke for the day we were
13 talking about your surveillance.

14 Do you recall that?

15 A I do.

16 Q Okay. And you had testified that you had taken a few
17 photographs of Jasur Kamolov and Firdavs Giyasov?

18 A Yes.

19 Q And that they had left the minivan that they were in?

20 A Correct.

21 Q One of the people, Mr. Giyasov, was wearing a recording
22 device, correct?

23 A Correct.

24 Q And that you said that the objective was that they were
25 going to pay some money to someone?

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1 A Yes, that's what I understood the operation.

2 Q And the objective was that you were present to photograph
3 this event, if it happened?

4 A Correct.

5 Q And at the time the two individuals, Kamolov and Giyasov,
6 when they got out of the van there was another person sitting
7 behind them in the van, is that right?

8 A That's correct.

9 Q Okay. Who was that person, if you know?

10 A I don't know.

11 Q And there came a time when they got out to meet this
12 individual they were going to pay money to, correct?

13 A Yes.

14 Q And do you know how much money they were going to pay?

15 A I believe the amount was to be a thousand dollars.

16 Q Okay. And at some point do you know why they got out of
17 the van?

18 A I don't, no.

19 Q Okay. But they did get out?

20 A Yes.

21 Q And they walked behind the van, I believe you lost the
22 line of sight, correct?

23 A That's correct.

24 Q And at that point you were unable to take any photographs
25 with respect to this person that they met, correct?

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1 A Correct.

2 Q So, we have no photographs indicating that this person
3 was Mr. Narzikulov?

4 A That's correct.

5 Q And also, that Giyasov was wearing this recording device
6 at the time when he was allegedly to meet this person,
7 correct?

8 A Yes.

9 Q And with respect to the recording device, you don't know
10 what is on that device, if Mr. Narzikulov's voice is on there?

11 A That's correct. I never heard the recording, so I don't
12 know the contents.

13 Q Okay.

14 Now, I want to talk to you about your involvement in
15 recovering property from this apartment on April 18th, 2019.

16 Okay?

17 You testified that you were involved in another
18 arrest, correct?

19 A That's correct.

20 Q Okay. And this was the arrest of Sherzod Mukumov,
21 correct?

22 A Correct.

23 Q And you were then called to assist in the processing of
24 the search -- withdrawn.

25 You were called to assist at the other location with

Galicia - cross - Guadagnino

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1 respect to Mr. Narzikulov, correct?

2 A That's correct.

3 Q Now, you testified that you were present when property
4 was recovered, correct?

5 A During the search, yes.

6 Q Okay. After they got the -- after the Government got the
7 search warrant, they began the search of the apartment,
8 correct?

9 A Correct.

10 Q And the mother was there, right?

11 A Yes.

12 Q Mr. Narzikulov had already been taken out of the
13 apartment?

14 A Yes.

15 Q And the search commenced.

16 You testified that one of the items that were seized
17 was a gun, right?

18 A Yes.

19 Q Now, you're a special agent in the FBI, right?

20 A I am.

21 Q And you went to Quantico, Virginia, to the academy,
22 correct?

23 A Correct.

24 Q And at the Quantico Academy, it's like a police academy
25 but for federal agents, for FBI, you're trained there,

Galicia - cross - Guadagnino

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1 correct?

2 A Yes.

3 Q And part of the training that you get involves firearms?

4 A Yes.

5 Q It involves shooting firearms?

6 A Correct.

7 Q Pistols, right?

8 A Yes.

9 Q And you're trained in identifying the different kinds of
10 firearms, in terms of like brand names, correct?

11 A There is some exposure. We see different manufacturers.
12 We see different guns made by different manufacturers.

13 Q And FBI agents carry Glocks, don't they?

14 A Yes.

15 Q And so you're familiar with a Glock pistol?

16 A I am.

17 Q Are you familiar with a Sig Sauer pistol?

18 A Some of the agents -- or, I'm sorry, some of the
19 detectives that I worked with, I think, carried that weapon,
20 but I wouldn't say that I'm overly familiar with them.

21 Q Okay, a Smith & Wesson?

22 A I don't know if I've -- I've seen one --

23 Q Okay.

24 A -- in my -- in my work.

25 Q Okay.

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1 How about a Colt pistol, have you ever seen a Colt
2 pistol?

3 A I don't think I've seen one in my work.

4 Q So, I want to ask you about the pistol that is in
5 evidence now.

6 I believe you have the pistol --

7 MR. GUADAGNINO: Or can it be provided?

8 Q Yes, if you wouldn't mind taking a look at what's in
9 evidence.

10 MR. GUADAGNINO: I forget which exhibit it is, 3 --

11 SPECIAL AGENT CALHOUN: 330.

12 Q 330, please.

13 MR. GUADAGNINO: Thank you.

14 A Sure.

15 Q And while you're looking at that pistol, there's another
16 piece of evidence, which is some photographs of what appears
17 to be other pistols.

18 MR. GUADAGNINO: If we can have that put up for the
19 jury. Thank you.

20 BY MR. GUADAGNINO:

21 Q Are you able to look at that pistol?

22 A The physical one?

23 Q Yes.

24 A Yes.

25 Q Can you -- I'm sorry.

Galicia - cross - Guadagnino

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1 MR. GUADAGNINO: Can the jury see the other exhibit
2 that's in evidence?

3 THE COURT: Why don't you hold it up?
4 Which one do you mean?

5 MR. GUADAGNINO: I believe it's the --

6 MR. BUFORD: Government laptop.

7 MR. GUADAGNINO: What number is that?

8 MS. PARSHAD: It's part of 401.

9 MR. GUADAGNINO: It's part of 401, Your Honor. It's
10 a photograph of different guns in holsters.

11 MR. BUFORD: There we go.

12 (Exhibit published.)

13 BY MR. GUADAGNINO:

14 Q Now, Agent Galicia, can you look at the pistol that's in
15 evidence and can you tell the members of the jury what brand
16 of pistol is that?

17 A The brand is SCCY.

18 Q SCCY, correct?

19 A Correct.

20 Q Okay.

21 Now, if you wouldn't mind taking a look at the four
22 firearms or the indications of the four firearms that are in
23 evidence or that is on the screen.

24 Do you see the first one, it appears to be a holster
25 and it says Glock 19, carbon fiber; do you see that?

Galicia - cross - Guadagnino

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1 A I do.

2 Q Okay. Would you agree that that is not the type of
3 holster for the gun that's in evidence?

4 A (No response.)

5 Q It doesn't say the brand of the gun that you have before
6 you?

7 A It does not say the brand of the gun in the bag that I
8 have before me.

9 Q And if you look at the next one down, it says Galco
10 Corvus belt holster, Colt 1911. Right?

11 A Yes.

12 Q Okay. Would you also agree that that is not a holster
13 for the gun that you have before you in evidence?

14 A It lists Colt as the gun for the holster, and this is an
15 SCCY.

16 Q Okay.

17 Now, the next one is a holster for a Glock 26. Do
18 you see that one?

19 A I do.

20 Q And you're familiar with Glocks because that's the brand
21 the FBI carries, right?

22 A That's correct.

23 Q And would you agree that that holster is not for the gun
24 that's in evidence?

25 A This holster states that it's for a Glock 26.

Galicia - cross - Guadagnino

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1 Q Okay, thank you.

2 And then finally, we're getting to the last one,
3 which it says there Galco Corvus belt, and then there's
4 another and IWB, in the waistband, I believe that means,
5 correct me if I'm wrong, holster Smith & Wesson M&P 940.

6 Are you familiar with the brand Smith & Wesson?

7 A Again, I might have seen one on other searches that I've
8 done or at the academy, but I carry a Glock and most of the
9 individuals that I work with also carry a Glock or Sig Sauer.

10 Q Okay. And you also carry your weapon in a holster,
11 correct?

12 A I do.

13 Q And would you agree that every single holster is custom
14 fit for a particular type of gun?

15 A That -- that has been my experience, yes.

16 Q Right.

17 So if you -- which one do you carry, I'm sorry?

18 A I carry a Glock.

19 Q What number Glock do you carry?

20 A 19.

21 Q A Glock 19, would that be a 9-millimeter?

22 A Yes, it would.

23 Q And would you carry a very specific holster for that
24 Glock 19?

25 A I would purchase a specific holster that matched the

Galicia - cross - Guadagnino

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1 manufacturer and model of the gun I carry.

2 Q Right.

3 And would you agree then that all of the holsters
4 that are depicted in this, none of them are for the gun that's
5 in evidence?

6 A I agree that none of them state that they are
7 specifically for SCCY manufactured pistols.

8 Q Thank you. Thank you, Agent Galicia.

9 Now, I want to ask you questions about some of the
10 other evidence that you recovered.

11 MR. GUADAGNINO: We're finished with the gun that's
12 in evidence, and we are also finished with what's on the
13 monitor. Thank you.

14 BY MR. GUADAGNINO:

15 Q When you assisted during the search, you never found a
16 taser, did you, in the apartment?

17 A No, we did not.

18 Q You never found any mace?

19 A No, we did not.

20 Q You never found a baseball bat?

21 A No, we did not.

22 Q Okay. Now, you did find a lot of identification cards
23 that were put into evidence, correct?

24 A Correct.

25 Q And they appeared to be a lot of identification from

Galicia - cross - Guadagnino

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1 Uzbekistan, correct?

2 A That's correct.

3 Q Driver's licenses and things of the sort, correct?

4 A Sure, passports.

5 Q Were you able to ascertain whether any of those
6 identifications were fake?

7 A I personally did not, no.

8 Q Okay. And did you ever find any evidence such as
9 commercial driver's license applications that were filled out
10 that corresponded with the identification cards that were
11 found at the location?

12 A Could you repeat that one?

13 Q Yes, I can.

14 So, you found a lot of ID cards, right?

15 A Correct.

16 Q Did you find any filled out applications that matched
17 those ID cards for commercial driver's licenses?

18 A No.

19 Q Okay. You said that you also found money that was
20 \$293,000 in cash, about that, right?

21 A Correct.

22 Q Okay. And you said that you had also found a lot of
23 books, some of them written in Cyrillic, correct, like if they
24 were ledgers?

25 A Sure, yes.

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1 Q Right. And you also stated that some of the money that
2 you found were put into like, wrapped pieces of paper towel;
3 is that right?

4 A That's correct.

5 Q And that on the wrapped pieces of paper towel, there was,
6 like, an amount written on there, correct?

7 A Yes.

8 Q And then there was an interest rate, it looked like a
9 percentage rate, right?

10 A It did, yes.

11 Q Some of the -- some of the pieces that we saw in evidence
12 said 3 percent, I believe, if you remember from yesterday?

13 A That sounds correct.

14 Q And 4 percent, right?

15 A Yes.

16 Q Now, Special Agent Galicia, as part of your duties have
17 you ever investigated loansharking?

18 A I, personally, have not.

19 Q Okay. Well, do you know, you were taught at the FBI
20 academy about loansharking is, the crime of loansharking?

21 A I think it was covered generally.

22 Q Okay. Do you recall that loansharking is when you lend
23 money at a very high interest rate?

24 A That generally fits with my understanding of
25 loansharking.

Galicia - cross - Guadagnino

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1 Q Would the term be usurious loan, if you know?

2 A Yes.

3 Q And you also, before you became an FBI agent, I believe
4 you testified you were a corporate lawyer?

5 A That's correct.

6 Q So, you have legal training, correct?

7 A Yes.

8 Q You have a Juris Doctorate degree?

9 A I do.

10 Q A degree in law, right?

11 A Yes.

12 Q So, usurious means illegal or high interest rate, correct?

13 A I believe that's correct.

14 Q Okay. So, a loanshark would lend you money, like a
15 hundred dollars, at something like 25 percent maybe a month,
16 something like that, correct?

17 A I don't know specifically at what rate it then is
18 considered to be extremely high or usurious.

19 Q And you saw that the interest rates were like 3 and
20 4 percent, correct?

21 A That's correct.

22 Q It's safe to say that that's not usurious?

23 A I don't feel like I'm qualified to -- to give an opinion
24 on whether that rate would be usurious or not, if the rate was
25 3 or 4 percent like you stated.

Galicia - cross - Guadagnino

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1 Q The rate was 3 or 4 percent, right?

2 A Yes.

3 Q And you wouldn't be able to tell us whether in your
4 opinion that was a high or low rate?

5 A Again, it -- it seems to me that the rate listed was 3 or
6 4 percent.

7 Q Okay.

8 A I'm just personally not sure that I'm qualified to -- to
9 say what is a high interest rate or not.

10 Q Fair enough.

11 Now, I want to ask you some questions also about
12 some of the equipment that you found. You found some wires
13 and some phones of that nature, correct?

14 A That's correct.

15 Q Right.

16 You -- the books, I'm sorry, before we move on to
17 that, you did find books, right, in the apartment, correct?

18 A Journals, handwritten.

19 Q Journals, handwritten, right?

20 A Yes.

21 Q And to your knowledge, the handwriting, there was
22 different types of handwriting in those journals, correct, not
23 just one kind?

24 A I'm not sure off the top of my head.

25 Q All right. You're not a handwriting expert?

Galicia - cross - Guadagnino

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1 A I'm not, no.

2 Q And to your knowledge, there were no handwriting analysis
3 done in this case between Mr. Narzikulov and the handwriting
4 in these journals, to your knowledge?

5 A To my knowledge, I -- I don't have any idea if that was
6 done.

7 Q To match his type of handwriting with the handwriting
8 that was found in those books, it wasn't done?

9 A To my knowledge, I just have no information on -- on
10 whether it was done.

11 Q Okay.

12 Now, you testified that the layout of the apartment
13 was such that there were, I think, two bedrooms, is that
14 correct?

15 A Yes.

16 Q All right. And you had found certain identification
17 items of Mr. Narzikulov in the apartment, correct?

18 A That's correct.

19 Q And you had found some New York State driver's licenses,
20 some commercial driver's licenses, and things of that nature,
21 correct?

22 A Yes.

23 Q Did you find any identification cards with that
24 particular address that you were located at on April 18th, if
25 you recall from the evidence?

Galicia - cross - Guadagnino

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1 A I would have to look again. I apologize.

2 Q It's all right.

3 Well, does anything off the top of your head stand
4 out?

5 A There were -- I'm sorry, could you repeat your question?

6 Q Did you find any evidence of that being his address?

7 A Being 2302?

8 Q Yes.

9 A Off the top of my head, I can't think of anything
10 specific.

11 Q Okay. So, I believe you testified that you did find some
12 equipment, you found some wires, some earpieces, and things of
13 that nature, correct?

14 A Yes.

15 Q Had any of those items ever been tested to see whether or
16 not they work, if you know?

17 A I'm not sure. I -- I believe that they -- they were, but
18 I -- I'm not sure.

19 Q You're not sure, I got you.

20 And I believe that you also testified that you
21 photographed the apartment after the search, is that right?

22 A Yes.

23 Q Okay. And you photographed many different areas of the
24 apartment, correct?

25 A Yes.

Galicia - cross - Guadagnino

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1 Q Did you also photograph the closet that you searched
2 where the gun was found?

3 A Photographs were taken of that closet.

4 Q And did you take those photographs?

5 A I did not, Special Agent Michael Buscemi took all of the
6 photographs.

7 Q Agent Buscemi.

8 That day did you see Detective Dominic Jaworski from
9 the NYPD?

10 A I did.

11 Q And you're aware that he recovered the gun?

12 A Yes.

13 Q From the closet, right?

14 A Yes.

15 Q Did you take the picture that showed the gun in the box
16 and the magazines?

17 A I, personally, did not.

18 Q Okay. And you testified, I believe yesterday, that you
19 found some -- a box of bullets, is that right?

20 A A box of bullets was found, yes.

21 Q Right. And the bullets, the caliber that were found was
22 9-millimeter?

23 A That's correct.

24 Q And the gun that was found in the closet was a
25 9-millimeter?

Galicia - cross - Guadagnino

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1 A Yes.

2 Q Okay. Do you know if the gun that was found in the
3 closet was tested for operability?

4 A I know it was taken to be tested, but I don't know what
5 tests they -- were run on the gun --

6 Q Okay.

7 A -- specifically.

8 Q Are you trained in firearm analysis, not DNA, I'm not
9 asking you about DNA profile, firearm analysis, ballistics?

10 A Again, we do general overview at the academy, but I have
11 no specific training on ballistics.

12 Q You testified that some of the bullets, most of the
13 bullets that you found were bullets that were not fired,
14 correct?

15 A I would say yes, the majority of the bullets we found
16 were not fired.

17 Q And then yesterday I believe you did circle some expended
18 shells that were in the bag?

19 A Yes, that's correct.

20 Q Which would indicate that the bullet had left the shell,
21 so it was fired?

22 A Yes.

23 Q Are you familiar with testing spent shells to see whether
24 that particular shell was fired from a particular gun called a
25 microscopy?

Galicia - redirect - Nguyen

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1 A Again, I have a general awareness, but no specific
2 training on that process.

3 Q Well, as an agent who participated in this case, are you
4 aware if microscopy was done to match the spent shell with
5 that particular gun to see if that gun fired that bullet, that
6 shell?

7 A I have no information on whether that type of examination
8 was completed.

9 MR. GUADAGNINO: Thank you, Agent Galicia. I have
10 no further questions.

11 THE COURT: All right, any redirect?

12 MS. NGUYEN: Yes, Judge.

13 REDIRECT EXAMINATION

14 BY MS. NGUYEN:

15 Q Agent Galicia, good morning.

16 A Good morning.

17 Q Agent Galicia, I'd like to go back to the surveillance
18 operation we spoke about that you -- that you testified about.

19 I believe you were asked if the objective of the
20 surveillance was to take photographs.

21 Was that the only objective?

22 A No, the primary objective was to observe what happened
23 during the operation and to document what happened
24 accordingly. And also, to ensure the safety of Mr. Giyasov.

25 Taking photographs was one part of documenting what

Galicia - redirect - Nguyen

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1 happened and being able to observe what happened.

2 MS. NGUYEN: I'd like to show, for the witness only,
3 what's been marked for identification as Government
4 Exhibit 111.

5 BY MS. NGUYEN:

6 Q Agent Galicia, this is a three-page exhibit, which I'd
7 like for you to review.

8 Do you recognize this exhibit or what's contained in
9 this exhibit?

10 A Yes.

11 Q What are they generally?

12 A These are generally surveillance photos.

13 Q Are they from the surveillance operation on April 7th?

14 A Yes.

15 Q And do they fairly and accurately depict your
16 observations while you were conducting surveillance on that day?

17 A They do.

18 MS. NGUYEN: The Government offers Exhibit 111 into
19 evidence.

20 MR. GUADAGNINO: No objection, Your Honor.

21 THE COURT: Received.

22 (Government's Exhibit 111 was received in evidence.)

23 Q Generally speaking, what's the difference, if any,
24 between these three photographs that's contained in
25 Exhibit 111 and if you recall the Exhibit 109 that we reviewed

Galicia - redirect - Nguyen

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1 yesterday?

2 (Exhibit published.)

3 A Well, these ones are a bit more blurry than the ones from
4 yesterday.

5 Q And where were you positioned -- well, who took these
6 photographs, if you know?

7 A I took these photographs.

8 Q And where were you positioned when you took these
9 photographs?

10 A I was in the back seat of a vehicle.

11 Q And you mentioned that some of these appear a little bit
12 blurry.

13 Can you describe the process you were going through
14 as you were taking these photographs?

15 A While they were pulled up outside of the -- the
16 apartment, while we were observing what was happening, I
17 thought it would be a good idea to -- to document what was
18 happening. And so, I took these photos, as best I could,
19 while Mr. Giyasov and Mr. Kamolov were -- were parked outside
20 the car -- I'm sorry, while they were parked outside the
21 building and as they were exiting the vehicle.

22 Q And looking at page 3 of Exhibit 111, can you describe
23 what's happening here?

24 (Exhibit published.)

25 A So, Mr. Giyasov is -- I can't tell from the photo if

Galicia - redirect - Nguyen

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1 they're getting back into the car or they're exiting the
2 vehicle.

3 Q And were you able to take any photographs after they
4 exited their -- their vehicle and your obstruction was
5 blocked -- your view was obstructed, excuse me?

6 A I -- I don't believe I took any further photos.

7 Q And you agree that if you got out of the car, you would
8 have been able to take additional photos?

9 A Yes, I could have.

10 Q Can you explain to us why you didn't do that?

11 A We were observing these activities covertly. We didn't
12 want either Mr. Giyasov or Mr. Kamolov to -- to realize that
13 we were there watching them and keeping an eye on the
14 operation.

15 So, we thought it would be, you know, strange to get
16 out of the car and to, obviously, take photos in a better
17 vantage point. So, I stayed where I was, as did my partner,
18 to observe as best we could from where we were.

19 Q And you testified that the purpose of this outing was, as
20 you understood it, a delivery of a payment of about a thousand
21 dollars, is that right?

22 A Yes.

23 Q And if everything had gone to plan, were you planning on
24 making an arrests?

25 A We were not planning on -- on making an arrest that

Galicia - redirect - Nguyen

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1 night, unless there was a reason to.

2 Q And what kind of reason would cause you to make an
3 arrest, if it wasn't already part of the plan?

4 A If there was some sort of threat to Mr. Giyasov, we
5 would, of course, intervene to prevent any harm coming to him
6 and effect an arrest there.

7 MS. NGUYEN: Thank you, Agent. I have no further
8 questions for you.

9 THE COURT: All right, you may step down.

10 (Witness steps down and exits the courtroom.)

11 THE COURT: Government's next witness.

12 MR. BUFORD: Your Honor, the Government recalls
13 Hislatjon Sadizoda.

14 THE COURT: All right.

15 (Witness entered and resumed the stand.)

16 THE COURT: Welcome back.

17 THE WITNESS: Thank you.

18 THE COURT: You're still under oath.

19 THE WITNESS: Thank you, Your Honor. May I be
20 seated?

21 THE COURT: Yes.

22 You can take your mask off if you want.

23 THE WITNESS: Gotcha; thank you.

24 MR. BUFORD: Your Honor, may I proceed?

25 THE COURT: Yes.

Sadizoda - direct - Buford

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1 HISLATJON SADIZODA,

2 recalled as a witness by the Government, having been
3 previously duly sworn/affirmed by the Courtroom Deputy,
4 was examined and testified further as follows:

5 DIRECT EXAMINATION

6 BY MR. BUFORD:

7 Q Good morning, Mr. Sadizoda.

8 A Good morning.

9 Q I'd like to ask you about a couple additional materials
10 that you were asked to translate in this case, but before I
11 do, can you remind the jury what languages in which you are
12 fluent?

13 A Tajic, Uzbek and Russian, and English.

14 Q I'd like to show you what's been marked as Government
15 Exhibit 514A in evidence.

16 (Exhibit published.)

17 Q And ask if you recognize that?

18 A Yes, I do.

19 Q What is it?

20 A This is a --

21 THE COURT: Hold the mic a little closer, please.

22 A This is a recording of a chat.

23 Q Does the chat contain written textual messages, as well
24 as audio files?

25 A Yes, both.

Sadizoda - direct - Buford

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1 Q In what language were the written textual messages?

2 A Tajic.

3 Q And what language was spoken in the audio files?

4 A Tajic, as well.

5 MR. BUFORD: And I'd like to show for the witness
6 only now what's been marked for identification as Government
7 Exhibit 514B.

8 Q And we will show you a couple of pages of it.

9 Do you recognize this?

10 A I do.

11 Q What is this?

12 A This is the transcription of the 514A that we just saw
13 before this, in Tajic and English.

14 Q Did you prepare this document?

15 A I translated it, what's inside.

16 Q Does 514B contain the original textual messages that were
17 exchanged?

18 A Yes.

19 Q And does it contain transcriptions of the audio files in
20 the original language in which -- in which they were spoken?

21 A It does.

22 Q And does it contain corresponding English translations
23 for both of those things?

24 A Yes.

25 Q And are the transcriptions of the audio files accurate to

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1 the best of your knowledge?

2 A To the best of my knowledge, yes.

3 Q And are the translations of the text messages and the
4 transcripts of the audio files accurate to the best of your
5 knowledge?

6 A To the best of my knowledge, yes.

7 Q Is the entire chat longer than what's transcribed and
8 translated in Government Exhibit 514B?

9 A Yeah, I believe so.

10 Q And so, Government Exhibit 514B is an excerpt, is that
11 right?

12 A Correct.

13 Q And the entire chat spans a longer period of time than
14 the excerpt?

15 A I believe so, yes.

16 MR. BUFORD: Your Honor, we would offer Government
17 Exhibit 514B into evidence.

18 MR. GUADAGNINO: I have no objection, Your Honor.

19 THE COURT: Received.

20 (Government's Exhibit 514B was received in
21 evidence.)

22 MR. BUFORD: And looking at the first page, if we
23 could zoom in on the writing in the middle.

24 (Exhibit published.)

25 BY MR. BUFORD:

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1 Q Does this chat involve someone identified as Firuz 88?

2 A Yes.

3 Q And is it your understanding there's one other person
4 involved in the chat, is that right?

5 A Yes.

6 Q And does this chat come from a device that was used by a
7 person?

8 A It appears to be, yes.

9 Q And is it your understanding that the other person
10 involved in the chat is the user of the device?

11 A Correct.

12 MR. BUFORD: If we go to the second page of the
13 exhibit, and zoom in on the top few rows there.

14 (Exhibit published.)

15 BY MR. BUFORD:

16 Q Can you walk us through the information that's contained
17 in each of the columns beginning with the Date/Time column?

18 A Yeah, all the way on the left you'll see the date and
19 time. And if you look at the second row, it shows the time in
20 the second -- the second column.

21 And then the second row you will see I/O. That
22 stands for incoming and outgoing. So, as you can see, the
23 first message is an outgoing since it has an O in the second
24 row. And if you look at the third row, that is the English --
25 English translation of the transcription that's located all

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1 the way on the right, which is Original Text written in
2 Cyrillic, in Tajic language.

3 Q And when you look at column 2, you testified that this
4 is, your understanding is that this is an outgoing message, is
5 that correct?

6 A Correct.

7 Q Does that mean the user of the device sent this message?

8 A That's what I understand, yes.

9 Q And an incoming message would be a message received by
10 the user of the device, is that right?

11 A Correct.

12 Q And going to the far right column, Original Text, it says
13 there: Voice message, and then duration 9 seconds.

14 What does that mean?

15 A Voice message meaning it's a voice message, the audio
16 that has been sent. And duration is telling us how long it
17 is. And 63.wav, that's the name of that audio file, I
18 believe.

19 Q And right below that there is a transcription.

20 Is that in Cyrillic?

21 A That's in Cyrillic, yes.

22 Q And is that a transcript of what is said, to your
23 knowledge, in the voice message?

24 A Correct.

25 Q And can you read for us your translation of that voice

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1 message?

2 A "Can you call me urgently? After you drop off the
3 clients. I think you are with clients. After you drop off
4 the clients, I have to talk to you for one minute. After
5 clients, can you call me urgently right now? Thank you, I am
6 waiting."

7 Q And what was the date and time for that message?

8 A That's March 27, 2019, 4:33 p.m.

9 Q And can you read for us your translation of the next
10 message?

11 A Yes. Date of it is March 28, 2019, 9:09 a.m.

12 It says, "Take his/her phone and do not give it
13 back."

14 Q And that's a translation of a text message, right, as
15 opposed to an audio file, right?

16 A Correct.

17 Q And can you read first your translation of the next one?

18 A It is on March 28, 9:10 a.m.

19 It says, "of course."

20 Q And what does it mean when it says "misspelled" in
21 brackets?

22 A Well, one of the letters is something else. Like, for
23 example, instead of -- in the -- if you want to imagine an
24 English alternative of it, imagine that the word of course,
25 instead of the S there was a N. So, there was one letter

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1 misspelled.

2 MR. BUFORD: If we could zoom back out and go to the
3 next set of messages.

4 (Exhibit published.)

5 BY MR. BUFORD:

6 Q Can you read us your translation of the next message?

7 A "We will not give."

8 Q How about the next one?

9 A "His/her green card."

10 Q Are those both outgoing messages?

11 A Yes, they're both outgoing.

12 Q And what are the dates and times associated with those
13 messages?

14 A They're both March 28, 2019, 9:11 a.m.

15 Q Can you read us the -- is the next message, does the next
16 message consist of text or is it a picture?

17 A It seems leak a thumb's up emoji.

18 Q What's the date and time of that thumb's up emoji?

19 A That's March 29, 2019, 1:39 p.m.

20 Q Is that an incoming message?

21 A Yes.

22 Q If we go to the next two rows, what are the dates and
23 times for the messages in the next two rows?

24 A Both dates are March 29, 2019, the first one is 1:39
25 p.m., the other one is 2:18 p.m.

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1 Q Starting with the first message, the second row from the
2 bottom, is that another audio file?

3 A Yes, it is.

4 Q What is your translation of the audio file there?

5 A Unintelligible. Did you take 1,000 currency units,
6 Firuz, 1,000 units? Or 1,000 units are not enough?

7 Q And can you read your translation of the next message?

8 A "Yes, I took \$1,000."

9 Q And going back to the previous message, in brackets it
10 says "currency." What does that mean?

11 A They use the word currency for -- that's for Uzbekistan,
12 but that's usually refer to a currency. So, you put currency
13 for that.

14 MR. BUFORD: Okay, we are going to set that exhibit
15 aside now.

16 THE COURT: What is the currency in Uzbekistan?

17 THE WITNESS: Soum.

18 THE COURT: Soum. So, it would be 1,000 soum?

19 THE WITNESS: Yes.

20 BY MR. BUFORD:

21 Q Showing you what's been marked as Government Exhibit 510A
22 in evidence.

23 (Exhibit published.)

24 MR. BUFORD: I'm sorry, not 510A. I apologize, that
25 was my mistake. 515A.

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1 (Exhibit published.)

2 BY MR. BUFORD:

3 Q Do you recognize this?

4 A Yes, I do.

5 Q What is it?

6 A This is a chat. I believe this is a Facebook messenger
7 chat.

8 MR. BUFORD: If we could zoom in on the top.

9 Q Can you tell who the chat is between?

10 A Yes. It's Jasur Kamolov, which happens to be the owner,
11 and Firdavs Giyasov. These two are exchanging messages.

12 Q And in what language is the chat?

13 A Tajic and Russian.

14 Q I'd like to show you what's been marked, for the witness
15 only, as Government Exhibit 515B.

16 Do you recognize this?

17 A Yes.

18 Q What is it?

19 A This is the transcription and translation of the previous
20 chat that we saw, which is -- I believe, is 515A exhibit.

21 Q We can show you a couple of the pages.

22 A Sure. Yes, it is.

23 Q Did you prepare this document?

24 A I translated its contents, yes.

25 Q And does it contain transcriptions or, at least, I'm

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1 sorry, not transcriptions, does it contain the original
2 messages in the language in which they were written?

3 A Yes, it does.

4 Q And does it contain English translations of those
5 messages?

6 A Yes.

7 Q And are the translations accurate, to the best of your
8 knowledge?

9 A To the best of my knowledge, yes.

10 MR. BUFORD: Your Honor, we would offer Exhibit 515B
11 into evidence.

12 MR. GUADAGNINO: No objection, Your Honor.

13 THE COURT: Received.

14 (Government's Exhibit 515B was received in
15 evidence.)

16 MR. BUFORD: And if we could start at page 2 of the
17 document and zoom in on the first few rows.

18 (Exhibit published.)

19 BY MR. BUFORD:

20 Q Can you explain for us the information in the columns
21 here?

22 A Yes. You can see on the left participants, date and
23 time; meaning who is sending the message, its date and its
24 time. The middle row is the English Translation of the
25 Original Text, which is all the way on the right.

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1 Q And looking at the first column, Participants, Date/Time,
2 is it your understanding that the participant identified there
3 is the sender or speaker of the message?

4 A Yes, he is the sender.

5 Q And looking at that first row, when does the chat begin
6 or what is the earliest message in the chat?

7 A March 28, 2019, 8:30 p.m.

8 Q And can we go with the English translations of the
9 messages, beginning with the first row?

10 A The first one says: "Jasur."

11 Going on?

12 Q Yes.

13 A "Now, you can call each other and see information, such
14 as the 'online status,' as well as what time you read
15 messages."

16 Q How about the next message?

17 A "Firdavs missed a video chat call."

18 "Good."

19 MR. BUFORD: Can you show the next few rows?

20 (Exhibit published.)

21 A "Are you alone?"

22 "Where are you?"

23 "Yes, at my home."

24 "Did Akmal give you my phone?"

25 "The number?"

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1 Q Okay.

2 MR. BUFORD: Could we go to the next page?

3 A "Akmal said that he will tell Jasur to take it to you."

4 "No, he did not give it."

5 "Tell him to call, tomorrow I have to go to work."

6 "Go outside now."

7 "I am coming to you."

8 "Come on."

9 "In how long will you come"?

10 "10 minutes."

11 "Ok."

12 "Write to me when you come."

13 "Ok."

14 "Firdavs missed your call."

15 "Firdavs missed your call."

16 "You missed a video chat call with Firdavs."

17 "Firdavs missed your call."

18 "Firdavs missed your call."

19 "Firdavs missed your call."

20 "Go out to the street, I have to talk to you."

21 "Ok."

22 "Where are you"?

23 "Come out."

24 "Damn it, I am standing in the cold."

25 "Did you arrive yet?"

Sadizoda - direct - Buford

1182

1 "Come out you fucker."

2 "Ok."

3 "In how long until you come out."

4 "?"

5 Q And what is the date and time of the last message in the
6 chat?

7 A March 28th, 8:30 p.m.

8 MR. BUFORD: We can set that aside now.

9 BY MR. BUFORD:

10 Q And I am going to show you what's in evidence as
11 Government Exhibit 510A.

12 (Exhibit published.)

13 Q Do you recognize that?

14 A Yes.

15 Q And what is it?

16 A I believe this is a video of recording of three
17 participants.

18 Q Have you had a chance to review the video --

19 A Yes.

20 Q -- before you testify?

21 A Yes.

22 Q From your review, what languages are spoken in the video?

23 A Russian and English.

24

25 (Continued on following page.)

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1 BY MR. BUFORD:

2 Q Showing now for the witness only what is marked for
3 identification as 510B. Do you recognize this?

4 A Yes, I do.

5 Q What is this?

6 A This is a English transcript of the video recording of
7 the three participants from 510A.

8 Q To be clear, is this a transcript or a translation?

9 A This is both. Whenever you see italics, that is the
10 transcription of the original language that was spoken in
11 English. If it's regular text, then it's a translation from
12 Russian.

13 Q But the Russian language is not reproduced in this
14 document?

15 A It's not.

16 Q Did you prepare this document?

17 A Yes.

18 Q Is it an accurate translation of the Russian part of the
19 video to the best of your knowledge?

20 A To the best of my knowledge, yes.

21 MR. BUFORD: We would offer Government's Exhibit
22 510B into evidence.

23 MR. GUADAGNINO: No objection, your Honor.

24 THE COURT: Received.

25 (Government's Exhibit 510B was received in

Sadizoda - direct - Buford

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1 evidence.)

2 BY MR. BUFORD:

3 Q If we can zoom in on the very top. When you're listening
4 to the video how many total speakers did you hear?

5 A Three.

6 Q Are those identified as UM or unidentified male one, UM2,
7 and UM3?

8 A Correct.

9 Q From your review of the video, who does most of the
10 talking in the video?

11 A From what I remember, UM1 and UM2 speak the most; I
12 believe UM3 speaks only one sentence.

13 Q Again, just for clarity's sake, the parts of this
14 document that are in italics mean they are spoken in English
15 on the video; is that correct?

16 A Correct.

17 Q If its non-italicized, it was originally in Russian and
18 this is a translation?

19 A Yes.

20 Q If we can focus on the non-English parts. Can we look at
21 the first part of the translation? Can you read that for us?

22 A UM1: No, listen to me. Whatever, whatever he even hints
23 that you have to leave.

24 I am telling you that this is a hint and this is
25 obstruction of justice. Don't do it. You will be arrested.

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1185

1 You will be jailed. And him too.

2 For what?

3 Him for what?

4 If he runs away.

5 He is not running away.

6 I'm not running away -- I -- they said.

7 Q That last line is that from unidentified male three?

8 A Yes. I believe that's the only one.

9 Q Go to the bottom part of the translation, first page?

10 A UM1: Fine. I'll tell you how it has to be done. You
11 have to hire a lawyer, right. Who will contact the
12 prosecutors and will find out what they want to do, why they
13 need you. And from that point to come to an agreement with
14 them in a professional way.

15 Not the way you're saying, but how fine.

16 Not the way you are saying.

17 Fine, to come to an agreement in a professional way
18 what do you mean by it?

19 Q If we can go to the top of the next page?

20 A I know what I mean. I will get in touch with them. What
21 you mean, pardon me, you don't not understand at all. Because
22 I met with these agents. I am telling you they are very
23 serious. And if they would want him to testify in court, you
24 will not be able to do anything. And he will have to testify
25 in court. And what you offered me now, if he has to go away,

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1186

1 as I understood it already, you want him to leave, not
2 testify.

3 I did not say anything like this you went too far
4 again.

5 No, I went straight forward. It is you who is going
6 in a roundabout way.

7 No, I do not say that. Murodjon, when I heard your
8 voice on the other line.

9 I know you were not happy. I know about it.

10 Because I know what you will do to him. You will
11 fuck him over and you will fuck yourself over.

12 Who did I fuck over before this?

13 You will screw him over by even giving him this
14 indirect advice. This is wrong here. You will set him up.

15 How can I set him up?

16 Q Is the next the translation in English as it was
17 originally spoken?

18 A Yes, just a few words, but the majority of it is in
19 Russian, yes.

20 Q Go to the next page. Zoom in on the top. Is this
21 continue to be in italics indicating it was spoken originally
22 in English?

23 A Correct.

24 Q Go to the bottom.

25 A 2:53, UM2: He is saying.

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1 I am saying because I want to be clearly understood.

2 May I telephone.

3 No. I am saying it specifically because it is
4 wrong. Murodjon, what you are doing is wrong. This is wrong.

5 I, I nothing.

6 I am telling you this is wrong.

7 Q Then go to the top of the next page.

8 A The first part is in italics, spoken in English.

9 UM2, 3:44: You are recording conversation for no
10 reason at all.

11 No, there is a reason. I am saving you. I am
12 saving you.

13 Or setting me up.

14 No, I would set you up if I quietly recorded you,
15 set you up, and telling you calmly walk away.

16 Noise in background.

17 Step away quietly, step away from this business
18 quietly. That is it. We forget that this meeting ever took
19 place. If you want me to help him, help in a clean way, you
20 are not here at all. He came in, hired me. I calmly do
21 everything. If you have this level of trust of me, yes, I
22 will do it. I will help them. You have nothing to do with
23 this. Think about it, okay. Think about it. If you know me
24 for as many years as you know me, you should know that I
25 treated you in truly fraternal way. I'm telling you, walk

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1188

1 away. So long. Guys this is not something for me. No. This
2 business is not for me. Sorry. Sorry guys this is not for me
3 so long.

4 Not at all. I did not meet you, with you at all. I
5 did not even have a meeting with you. I'll prove it to you in
6 life. Not just in business, in life. I did not even meet
7 you, that is it.

8 End of recording.

9 Q We can set that aside.

10 I'm going to show you what is marked as Government's
11 Exhibits 511A and 512A, do you recognize this?

12 A Yes, I do.

13 Q Generally speaking what are they?

14 A These are phone call conversations, audio files, between
15 two people.

16 Q You listened to the audio files on those?

17 A Yes.

18 Q What languages are spoken on the files?

19 A Tajik.

20 Q I'm going to show you now for identification purposes,
21 only for the witness, first Government's Exhibit 511B. Do you
22 recognize this?

23 A Yes, I do.

24 Q Showing you for identification 512B. Do you recognize
25 that?

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1 A Yes.

2 Q What are Government's Exhibit 511B and 512B?

3 A These are transcripts of the original language and their
4 translations of the 511A and 512A I believe.

5 Q Are the transcripts and translations in 511B and 512B
6 accurate to the best of your knowledge?

7 A To the best of my knowledge, yes.

8 MR. BUFORD: At this time, based on the testimony of
9 Ronald Fields, these audio files were made and kept by the MDC
10 in the normal course of business and the testimony of Firuz
11 Juraev regarding his identification of the voices on the
12 recordings, the Government would offer 511A, 511B, 512A, 512B
13 into evidence.

14 MR. GUADAGNINO: No objection, your Honor.

15 THE COURT: Received.

16 (Government's Exhibits 511A, 511B, 512A and 512B
17 were received in evidence.)

18 BY MR. BUFORD:

19 Q Starting with Government's Exhibit 511A, I'd like to play
20 the first minute or so of the recording. There is a delay in
21 the beginning before there is any sound, so it is playing.

22 (Audio played.)

23 We can stop the recording there. Look at 511B in
24 evidence. If we zoom in on the middle there, on the first
25 page. What is your understanding of the date and time for

Sadizoda - direct - Buford

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1 this call?

2 A My understanding the date is October 16, 2019, the time
3 is 7:29 a.m.

4 Q Go to page two of the exhibit, zoom in on the top row.
5 Can you remind us what information is contained in the columns
6 of this document?

7 A On the left row, first row on the left, are the
8 participants. Middle row are the English translations,
9 transcriptions from the original language, which are located
10 all the way on the right row.

11 Q Are the transcriptions in Cyrillic?

12 A Yes.

13 Q Go to page three of the document, the bottom three rows.
14 Could you read for us your translations of the audio recording
15 for that part of the call?

16 A Unidentified male one: If you are behind the wheel, can
17 you stop the car? We need to talk. It's urgent. Listen.

18 Yes.

19 Could you call your friend Zufar right now. Because
20 it is a task that can be done over-the-phone. In short, you
21 have to contact mine, my boss needs to be contacted, like a
22 back to back call needs to be made, if possible. If he
23 doesn't pick up then try every 30 minutes, one hour. Maybe
24 try to call him from different number, maybe he will pick up.
25 Because I'm --

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1191

1 Q You can stop there. Go to page six now. Starting with
2 the fourth row from the bottom, just the fourth row from the
3 bottom. Can you read your translation of that portion of the
4 call for us?

5 A Over there, this and that. He will not say how much and
6 what, even if he says how much like from 100 to 150K for
7 example, then you know. Re's younger brother. You
8 understand.

9 Q Can we go to page 21 of the exhibit? Third row from the
10 bottom. Read the translation of that portion of the call.

11 A He should say it for sure. Ultimately when it is eight
12 keep calling, maybe it is already almost eight. He will wake
13 up. If he does not, then he should start calling from 8:30,
14 nine. Ultimately if he has two connections, the first one
15 should be called from this. If he does not pick up, then
16 after 30 minutes he should call from the other one. You
17 understand? If he calls from the two times then you know
18 still.

19 Q If we go to the next page, read your translations
20 starting from row two going through row five.

21 A The main thing in short we say that thing to him or not.
22 Or not; is that right?

23 Say it, I'm saying that it needs to be said. I'm
24 telling you to say it. I wanted to say it today this bastard.

25 No, this must be said. Then we say it to him, then

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1192

1 we will ask him should we tell him or not, if we should tell
2 them or not.

3 Yes. It needs to be said.

4 Q Finally if we go to the last page, page 24, read the
5 translations there except for the last row.

6 A Will say. This one in depth. Starting from eight do it,
7 eight, 8:30 latest nine. Call at eight too if he does not
8 pick up then call again two times. Hey, you know his second
9 one right, 566-2242. It begins with 212-566-2242. His
10 mobile.

11 Unintelligible.

12 You know, right.

13 Mhmm, yes.

14 Write it down (212)566-2242.

15 Aha.

16 Q Can we now go to Government's Exhibit 512A and play the
17 first minute or so of the recording?

18 (Audio played.)

19 Mr. Sadizoda, can you describe the dial tone we just
heard?

20 A I think if you grow up listening to it, it might may
21 sense, but right now it may not. It's a little bit not clear,
22 it's a little bit longer than the one we hear in the U.S.

23 Q Keep playing.

24 (Audio played.)

25 We can stop it there. Can we bring up Government's

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1 Exhibit 512B and zoom in on the middle. What is your
2 understanding of the date and time of this call?

3 A My understanding is it's October 16, 2019, time
4 12:28 p.m.

5 Q Go to page three of this document and zoom in on the
6 bottom four rows. Can you read your translations of this part
7 of the call?

8 A Zufar called and spoke to your boss.

9 Okay, okay.

10 He did Ar Ar to Zufar saying why did you tell me
11 this like this. Why did you tell me? You should not have
12 told me. Like this, like that. Understand?

13 Yes, yes.

14 Q Go to the next page, can we read your translations,
15 starting from the beginning and going down to the end?

16 A This is bad, such and such, damn it. Something else. In
17 short it is like that. He's doing that about that. And he
18 told me that it ruined his mood by doing Ar Ar to me he was
19 like, no, why are you saying this? Okay. You should not have
20 told me these things, like this and like that. Do you know
21 what kind of thing this is? This thing is this and that. He
22 did that by saying these.

23 Hmm.

24 I told Zufar, I told him, talk about the Qe.

25 Right.

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1 He said, oh, shit, fuck. At the end he said okay.
2 Imagine that you did not hear this thing and hung up. What
3 else he can say.

4 Hmmm.

5 Do you understand?

6 Q If we go to the next page can you read these
7 translations?

8 A Yes, I understand. I understand.

9 He said, ah shit, and hung up. And he's doing that
10 to me. He's not messaging me saying shit I probably should
11 have told him this and that. I said I don't know.

12 Okay.

13 He said about all those numbers. Understand? By
14 saying how that happens. Unintelligible. The number that it
15 has? Then something, something.

16 No, I got it. He explained it, right?

17 Right. He said, do you know that it's this and
18 that? Yes. Why are you telling me this kinds of things. Do
19 you understand he was fucking shocked and hung up.

20 Okay. No, okay. It's fucking nothing. He's a
21 bastard.

22 Q You can set that aside. I'd like to play the beginning
23 of Government's Exhibit 504A in evidence.

24 (Audio played.)

25 Q Stop it there. Is that a different dial tone than the

Sadizoda - cross - Guadagnino

1195

1 one on the previous calls?

2 A Yes. It's kind of hard to tell. When you go on
3 listening to it, it's like an instant déjà vu, when you hear
4 dials from back home, calls we made from -- the dial tone back
5 in Uzbekistan is different than the dial tone in the U.S.

6 MR. BUFORD: Your Honor, can I have a minute?

7 No further questions.

8 CROSS-EXAMINATION

9 BY MR. GUADAGNINO:

10 Q You said the dial tone in Uzbekistan is different?

11 A Yes.

12 Q Do you know what the dial tone is say from Puerto Rico to
13 the United States would be?

14 A To any other country, no. I'm only familiar with the one
15 that I made, regular phone calls to my Mom, for example, here
16 in the United States. And if I made a phone call back in
17 Uzbekistan or while I lived in Uzbekistan, if somebody called
18 me or I called somebody, the dial tone.

19 Q But you're not sure if that dial tone that you say is
20 particular to Uzbekistan could be particular to another
21 country, correct?

22 A Correct.

23 Q You can't say that dial tone is specifically Uzbeki?

24 A I didn't say specifically, only used in Uzbekistan. But
25 I said that when I hear that dial tone, it is a dial tone that

Sadizoda - cross - Guadagnino

1196

1 I heard growing up in Uzbekistan.

2 Q But you're not familiar with -- in other words you don't
3 know if that dial tone that you're familiar with from
4 Uzbekistan comes from another country?

5 A Right.

6 Q Or even another location in the United States?

7 A It's possible.

8 MR. GUADAGNINO: I have no further questions.

9 THE COURT: All right. You may step down. Thank
10 you.

11 (Whereupon, the witness was excused.)

12 THE COURT: Government's next witness.

13 MS. NGUYEN: The Government calls David Rivera.

14 (Witness takes the witness stand.)

15 THE DEPUTY CLERK: Please raise your right hand.

16 THE WITNESS: I do.

17 (Witness sworn.)

18 THE DEPUTY CLERK: State your name.

19 THE WITNESS: David Rivera, D-A-V-I-D, R-I-V-E-R-A.

20 THE DEPUTY CLERK: Thank you. You may be seated.

21

22 (Continued on the following page.)

23

24

25

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1 DAVID RIVERA,

2 called as a witness by the Government, having been first
3 duly sworn/affirmed by the Courtroom Deputy, was examined
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. NGUYEN:

7 Q Good morning, Mr. Rivera.

8 A Good morning.

9 Q Are you currently employed Mr. Rivera?

10 A Yes, I am.

11 Q What do you do?

12 A I'm a police officer with the Palm Beach County School
13 Police Department.

14 Q How long have you been doing?

15 A That I was recently hired about approximately two weeks
16 ago.

17 Q What did you do before that?

18 A Before that I was a detective investigator with the NYPD
19 Internal Affairs Bureau.

20 Q So you recently moved to Florida?

21 A Yes.

22 Q What did you do at the Internal Affairs Bureau at the
23 NYPD?

24 A As a detective investigator I investigated allegations of
25 corruption and serious misconduct against members of the New

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1 York City Police Department.

2 Q During your work at the Internal Affairs Bureau, did you
3 have occasion to work with the FBI?

4 A I did. The team or the group that I was assigned to at
5 the time in Internal Affairs was Group 25, and we were focused
6 on working with federal agencies within New York City and
7 assist them with their investigations, particularly pertaining
8 to members of the New York City Police Department.

9 THE COURT: Pull the mic closer.

10 Q Did you have a title as a Task Force officer as well?

11 A I did. In 2014 I was part of a team that would be
12 specifically dedicated to assist the FBI's public corruption
13 Task Force. I was given the title of Task Force officer.

14 Q Were you part of that Task Force from approximately 2014
15 to when you left the NYPD?

16 A Yes, I was.

17 Q While you were a Task Force officer, did you participate
18 in an investigation relating to an individual named Firdavs
19 Giyasov?

20 A I did.

21 Q Generally, what was your role in that investigation?

22 A I wasn't the case agent or the primary investigator, but
23 when asked to assist I would assist with whatever was needed
24 for their case.

25 Q Before we talk about some of the things that you

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1 specifically did with regard to that investigation, I'd like
2 to review a few records with you.

3 A Okay.

4 MS. NGUYEN: The Government has previously marked
5 for identification records from Greyhound that are marked as
6 Government's Exhibit 296 through 299. Pursuant to a Federal
7 Rule of evidence 803(6) the Government offers these exhibits
8 into evidence.

9 MR. GUADAGNINO: No objection, Judge.

10 THE COURT: Received.

11 (Government's Exhibits 296 through 299 were received
12 in evidence.)

13 BY MS. NGUYEN:

14 Q I'd like to start with Government's Exhibit 299. We'll
15 zoom in for you and ask you to read this exhibit, please.

16 A George Cervantes submits this certification pursuant to
17 Rules 803(6) and 902(11) of the Federal Rules of Evidence and
18 states as follows:

19 One, I am the subpoena compliance person of
20 Greyhound Lines Incorporated. As such, I am familiar with
21 Greyhound Lines Incorporated's practices and procedures
22 regarding the collection and maintenance of business records.

23 Two, attached to this certification are records
24 subpoenaed by the Government for all records of travel for
25 passengers identified as Jasur Kamolov and Firdavs Giyasov for

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1 the period of June 1st, 2018 to April 30, 2019.

2 Three, the information contained in the above
3 records were recorded and maintained in the ordinary course of
4 business. It was and is the regular practice of Greyhound
5 Lines Incorporated to record and maintain this information
6 correct least.

7 Four, Greyhound Lines Incorporated recorded and
8 maintained the information at or near the time of their making
9 and/or from information made or transmitted by a person with
10 knowledge of those matters.

11 Five, I declare under penalty of perjury that the
12 foregoing is true and accurate.

13 Dated June 11, 2021, Dallas, Texas.

14 Q This Exhibit 299, was that signed by the individual
15 George Cervantes on the bottom?

16 A Yes.

17 Q Now I'd like to go to Government's Exhibit 298. Can you
18 describe for us what this exhibit depicts?

19 A This exhibit depicts a bus ticket from Greyhound Lines
20 Incorporated from purchased from Cleveland, Ohio, destined to
21 New York City, New York on July 18, 2018 at 10:40 p.m. The
22 ticket is in the name which is noted on the left for Kamolov
23 Jasur.

24 Q I'd like to set that exhibit aside, and move on to
25 Exhibit 297. Can you describe this one, please?

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1 A This is a one-way economy purchased bus ticket from
2 Greyhound for one adult, passenger's name is Kamolov Jasur,
3 departing at 6:00 p.m. from Richmond, Virginia, arriving at
4 12:45 a.m. New York City, New York purchased on -- leaving on
5 Thursday, October 18, 2018,.

6 Q Next we can move on to Government's Exhibit 296. Please
7 describe this exhibit?

8 A This is another economy, one-way bus ticket purchased
9 from Greyhound, one adult, passenger's name is Giyasov
10 Firdavs, 11:00 p.m. from New York, arriving at 6:20 a.m. in
11 Pittsburgh, Pennsylvania.

12 Q Can you tell from this exhibit if there was a different
13 final destination than Pittsburgh, Pennsylvania?

14 A Yes. On the bottom of the ticket under the category of
15 trip destination is Los Angeles, California.

16 Q We can set of exhibit as side. I'd like to show you what
17 is in evidence as Government's Exhibit 214. Have you had an
18 opportunity to review this exhibit?

19 A I have.

20 Q And is this exhibit a collection of certain account
21 statements from Bank of America?

22 A Yes.

23 Q Do these account statements range for the period of time
24 of June 20, 2018 through April 18 of 2019 -- we can go to the
25 last page. Directing your attention to page 35 of this

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1 36-page exhibit.

2 A I see it.

3 Q Is there a date indicated there July 19, 2018?

4 A Yes.

5 Q With the beginning date of June 20, 2018?

6 A Yes.

7 Q Going back to page one of Exhibit 214, I'd like to zoom
8 in on the top left and ask you to describe the account name
9 and address?

10 A The account name and name address Firdavs, Giyasov, 901
11 Avenue H, Apt 2E, Brooklyn, New York, 11230.

12 Q Looking at page one, can you tell us the account number
13 for toward the middle, right?

14 A 4830 7219 3863.

15 Q Now I'd like to start with the account statement oldest
16 in time beginning on page 35. Is this the bank statement for
17 that same account for the period of June 20, 2018?

18 A Yes, it is.

19 Q Can you tell us what the beginning balance is as of
20 June 20, 2018?

21 A The beginning balance for this account is on June 20,
22 2018, reported to be .40.

23 Q And the ending balance July 19?

24 A The ending balance as of July 19, 2018, is .40.

25 Q Based on the statement, does it appear there was no

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1 activity in this account?

2 A That's correct.

3 Q I'd like to go to the account statement beginning on page
4 35 -- excuse me 33. Is this the account statement for the
5 same account for the period of July 20 to August 21, 2018?

6 A Yes, it is.

7 Q Do we have the same beginning balance and ending balance
8 of .40 with no activity?

9 A Yes, you do.

10 Q Next I'd like to go to page 31. Is this the account
11 statement for the same account for the period of August 22 to
12 September 18 of 2018?

13 A Yes, it is.

14 Q Is the beginning and ending balance the same of .40
15 without any activity?

16 A Yes, that's correct.

17 Q Next I'd like to go page 27, is this an account statement
18 for the same account between September 19 to October 19, of
19 2018?

20 A Yes, it is.

21 Q Are we seeing the same beginning and ending balance
22 without activity leaving a balance of .40?

23 A Yes, you do.

24 Q I'd like to go to page 21. Is this an account statement
25 for the period of October 20, 2018 through November 19, 2018?

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1 A Yes, it is.

2 Q Is there any activity in this statement?

3 A There is a deposit indicated in the second line from the
4 top for \$20.

5 Q We can go to page 23 of the exhibit. I'd like to
6 describe what activity is depicted here.

7 A On November 19, 2018, in the description column there is
8 detailed Bank of America ATM transaction deposit conducted at
9 1502 Kings Highway, Brooklyn, New York for the amount of \$20.

10 Q I'd like to go to another account statement beginning on
11 page 17. Is this the account statement for the period of
12 November 20 to December 18 of 2018?

13 A Yes.

14 Q Can you describe what the beginning balance is?

15 A The beginning balance on November 20, 2018 was \$20.40.

16 Q There appears to have been a withdrawal of \$20 during
17 this activity period; is that correct?

18 A That's correct.

19 Q Next I'd like to move on to page 15 and ask you, is this
20 the account statement for the period ending -- December 19,
21 2018 to January 18 of 2019?

22 A Yes.

23 Q Same account we've been looking at?

24 A Yes, ma'am.

25 Q Here the balance is back to .40; is that correct?

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1 A That's correct.

2 Q I'd like to go to the top of this page and ask you to
3 read for us the address associated for the account statement
4 beginning on page 15.

5 A Firdavs Giyasov 103 6150 Reseda Boulevard in Tarzana,
6 California, 91335.

7 Q Go to page 11 of this exhibit. Is this an account
8 statement for the same account for the period of January 19 to
9 February 15 of 2019?

10 A Yes, it is.

11 Q What is the beginning balance on January 19?

12 A The beginning balance on January 19, 2019 is .40.

13 Q Were there any deposits or additions to the account
14 during this period?

15 A Yes. In the second line there is an indication of a
16 deposit that happened in the total amount of \$1,500.

17 Q I'd like to go to the third page of this account
18 statement, and ask you to look at the section indicated
19 deposits and other additions. Can you describe what deposits
20 are listed?

21 A Yes. On February 4, 2019 in the description on the first
22 line, Bank of America, ATM transaction, deposit conducted in
23 Los Angeles, California, total cash amount of \$1,300.

24 Q Is there another transaction with the same posting date
25 of February 4, 2019?

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1 A Yes, there is.

2 Q How much is that transaction for?

3 A That transaction was in the amount of \$200.

4 Q Does that also appear to be an ATM deposit in Tarzana?

5 A Yes, it is.

6 Q I'd like to scroll down to lower in the page to the
7 section of withdrawals and subtractions. Looking at the
8 transactions let's start with the second row, can you describe
9 that transaction, please?

10 A Yes. In the second row on February 4, 2019, appears to
11 have been a purchase at H&M retail clothing store in Los
12 Angeles, California, amount of \$60.20.

13 Q I'd like to direct your attention to some transactions
14 listed on February 8, 2019 at what appears to be Hudson News.
15 Do you see that transaction?

16 A Yes, I do.

17 Q And are you familiar with Hudson News?

18 A I am.

19 Q What is Hudson News?

20 A Hudson News is a newsstand that apparently has a few
21 chains located throughout traveling terminals throughout the
22 country. You see them in Port Authority, you'll see them at
23 state and local airports, bus stops, major transportation hub
24 terminals.

25 (Continued on next page.)

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1 DIRECT EXAMINATION

2 BY MS. NGUYEN: (Continuing.)

3 Q And right below Hudson News, can you describe that
4 transaction below that, please?

5 A Yes. On February 11, 2019, there is a check card
6 transaction to American Airlines located in Fort Worth, Texas
7 in the amount of \$30.

8 Q And I'd like to direct your attention to the last row of
9 the withdrawals and subtractions on this page. Can you
10 describe that last transaction, please?

11 A On February 11, 2019, there was a check card transaction
12 at the Harbor Motor Inn located in Brooklyn, New York, total
13 amount of \$80.

14 Q Now I would like to go to a different account statement
15 in this exhibit that begins on page 8.

16 I'm sorry, page 7.

17 Is this the account statement for February 16th
18 through March 19th of 2019?

19 A Yes, it is.

20 Q And is the beginning balance \$6.14?

21 A Yes, it is.

22 Q And there appears to have been some deposits and
23 additions during this period of activity; is that right?

24 A That's correct.

25 Q I'd like to move on to the next page, page 8 -- I'm

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1 sorry, page 9, and ask you to describe the two largest amount
2 deposits indicated.

3 A Yes. On February -- I'm sorry.

4 On March 13, 2019, there is a deposit for -- into
5 the Bank of America account. It appears to be a mobile
6 deposit in the amount of \$500.

7 And then on March 15th, approximately two days
8 later, there is a transaction from the New York State
9 Department of Tax and Finance indicating a refund in the
10 amount of \$635.

11 Q And I'd like to scroll down to the bottom of this same
12 page to look at some of the withdrawals and other subtractions
13 from this account.

14 From your review of these transactions, generally
15 where are these transactions taking place?

16 A The majority of these transactions are taking place in
17 Brooklyn, New York.

18 Q And I want to direct your attention to the transaction
19 which is the second row from the bottom. Can you just
20 describe what that transaction is?

21 A In the second row from the bottom indicated or
22 highlighted is a transaction that occurred on March 18, 2019,
23 and it's a CVS pharmacy located in Sheepshead Bay, Brooklyn,
24 totaling in the amount of \$48.38.

25 Q And next I would like to go to page 1 -- back to page 1,

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1 I should say.

2 And just to review some of the transactions that are
3 in this account statement for the period beginning March 20th
4 of 2019, I would like to go to page 3 and zoom in on the
5 withdrawals and other subtractions.

6 Do you see any purchases listed here at McDonald's
7 locations?

8 A Yes, I do.

9 Q And approximately how many do you see?

10 A I see approximately three transactions that occurred at
11 McDonald's.

12 Q Do you see a transaction that occurs at a Haagen-Dazs in
13 Brooklyn on March 22nd of 2019?

14 A I do. Haagen-Dazs in Brooklyn, New York, totaling the
15 amount of \$31.79.

16 MS. NGUYEN: So we can set this exhibit aside now,
17 please, and I'd like to move on to a different set of records.

18 Your Honor, the government has previously marked for
19 identification certain records received from T-Mobile.
20 They're marked as Government Exhibit 253, including
21 Sub-exhibits 253.1 to 253.8. Pursuant to Federal Rule of
22 Evidence 803, Subsection 6, the government offers these
23 exhibits into evidence.

24 MR. GUADAGNINO: No objection, Your Honor.

25 THE COURT: Received.

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1 (Government's Exhibit 253, Sub-exhibits 253.1 to
2 253.8 were received in evidence.)

3 Q I would like to begin with Exhibit 253.1. Looking at
4 this exhibit, I would like to zoom in on the description of
5 records in the center.

6 Can you tell us what phone numbers or identifiers
7 are associated with these records and what relevant time
8 period is described?

9 A Yes. There are two sets of phone numbers. First one is
10 (646) 642-0124. The time frame it started was January 1st,
11 2019 and the end date is December 9, 2019.

12 The second set is the phone number (917) 332-7259.
13 The start date period is January 1st, 2019. The end date is
14 December 9, 2019.

15 Q And does this record appear to be a certification from
16 T-Mobile relating to those phone numbers and that period of
17 time?

18 A Yes, it is.

19 Q I'd like to next move on to exhibit 253.6.

20 Can you describe what phone number this exhibit
21 relates to?

22 A Yes. The phone number that the exhibit is relating to is
23 (646) 642-0124.

24 Q And is the subscriber name listed for that phone number?

25 A There is a subscriber name listed in the name of Murodjon

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1 Sultanov.

2 Q And the address associated with that individual, is it in
3 Brooklyn, New York?

4 A Yes, it is.

5 Q Next I'd like to go to Exhibit 253.2.

6 Are these the call detail records for the phone
7 number you just described in the name of Murodjon Sultanov?

8 A Yes, it is.

9 Q And I'd like to just do a search for certain telephone
10 numbers and --

11 MS. NGUYEN: Excuse me. Before we do the searching
12 of certain telephone numbers, I'd like to show, for the
13 witness only, Government Exhibit 259.

14 Q Have you had a chance to examine this exhibit prior to
15 your testimony today?

16 A Yes, I did.

17 Q And generally, does it list different phone numbers and
18 the identified users of those phone numbers?

19 A Yes, it does.

20 Q And did you review the information contained in this
21 exhibit and compare it to other exhibits and evidence that has
22 been admitted during the course of this trial?

23 A Yes, I have.

24 Q Did that include certain business records which are
25 the -- have been previously marked as government exhibits?

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1 A Yes, we have.

2 Q Does this exhibit fairly and accurately summarize that
3 information relating to specific telephone numbers?

4 A Yes, it does, with the exception of the top row, the --
5 it seems to be the number was inverted. It should be
6 (646) 642-0124, not 6-4-4.

7 Q Let me show for the witness Exhibit 253.6, which is in
8 evidence.

9 A Oh.

10 Q Is this the phone number you're referring to?

11 A Yes, it is.

12 MS. NGUYEN: One moment, please.

13 Q And that's the correct phone number for which there's a
14 typo on the other exhibit; is that correct?

15 A That's correct.

16 Q So aside from that typo, is Government Exhibit 259
17 accurate?

18 A Yes, it is.

19 Q Thank you.

20 MS. NGUYEN: The government offers Exhibit 259 into
21 evidence.

22 MR. GUADAGNINO: No objection.

23 THE COURT: Received.

24 (Government's Exhibit 259 was received in evidence.)

25 MS. NGUYEN: And if we may, Your Honor, we would

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1 like to distribute a copy of Exhibit 259 to the jurors.

2 THE COURT: Should we do that now or after morning
3 break?

4 MS. NGUYEN: After the break would be great so we
5 could correct the typo.

6 THE COURT: Okay. Let's do that.

7 Ladies and gentlemen, we will take our 15 minutes.
8 Please remember not to talk about the case amongst yourselves
9 or anyone else.

10 (Jury exits the courtroom.)

11 THE COURT: Is this your last witness?

12 MS. NGUYEN: It is, Your Honor.

13 THE COURT: All right. We will take our 15 minutes.

14 (Court in recess.)

15 (Witness enters the courtroom.)

16 THE COURT: All right. Let's have the jury, please.

17 (Jury enters the courtroom.)

18 THE COURT: Everyone be seated.

19 We will continue direct examination.

20 MS. NGUYEN: We left off talking about Government
21 Exhibit 259 and we have since distributed a copy for the
22 jurors.

23 And I would like to hand a copy to the witness, if I
24 may, Your Honor.

25 THE COURT: You may.

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1 DIRECT EXAMINATION

2 BY MS. NGUYEN: (Continuing.)

3 Q And I'd like to go back now to the T-Mobile exhibit,
4 253.6, which relates to the phone number subscribed to by
5 Murodjon Sultanov and the call detail records of Exhibit
6 253.2.

7 Now, I'd like to do a search or a filter for the
8 calling number column for a phone number, (917) 332-7259.
9 That's indicated in Government Exhibit 259 as the phone number
10 used by Firuz Juraev, correct?

11 A That's correct.

12 Q Looking at your screen at Exhibit 259.2, do you see
13 communications with the phone number of Murodjon Sultanov and
14 the phone number that was used by Firuz Juraev?

15 A I do.

16 Q And approximately how many communications do these
17 records reflect where the calling number belongs to
18 Firuz Juraev?

19 A There are a total points of contact of 31 records found.

20 Q So now let's look for a different phone number, the phone
21 number (929) 327-5474.

22 Do you see that phone number first reflected on
23 Government Exhibit 259?

24 A I do.

25 Q And is that identified as the phone number of Jasur

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1 Kamolov?

2 A Yes, it is.

3 Q And do you see, looking at Exhibit 253.2, any
4 communications between the phone number of Murodjon Sultanov
5 and the phone number of Jasur Kamolov?

6 A I do.

7 Q Approximately how many communications do you see from
8 filtering on the calling number?

9 A There are approximately 13 points of communication.

10 Q Next I'd like to look for calls with the phone number
11 (929) 245-2855. Going back to the summary chart on
12 Exhibit 259, do you see that phone number as a phone number
13 also used by Firuz Juraev?

14 A Yes, I do.

15 Q And now looking back at the phone records of 253.2, do
16 you see any communications between the phone number identified
17 as Murodjon Sultanov and the phone number of Firuz Juraev?

18 A Yes, I do.

19 Q Approximately how many communications do you see when we
20 filtered on the calling number?

21 A There are 55 points of contact between the two numbers.

22 MS. NGUYEN: And I think we can set aside this
23 exhibit and if we could clear the screen.

24 Q I'd next like to show you what's in evidence as
25 Government Exhibit 253.7.

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1 Do you see what phone number this record relates to?

2 A Yes, I do.

3 Q What phone number is that?

4 A The phone number listed is (917) 332-7259.

5 Q Now, if we compare -- sorry.

6 On this record, does it indicate the subscriber
7 name?

8 A No, it does not.

9 Q It appears to be a prepaid phone with no customer listed;
10 is that right?

11 A That is correct.

12 Q If we look for this same phone number on the summary
13 chart on Exhibit 259, is this phone number identified as a
14 phone number used by Firuz Juraev?

15 A Yes, it is.

16 Q So now let's look at the call detail records associated
17 with this phone number. I'd like to focus on Exhibit 253.3
18 and I'd like to do some filtering and searching for some of
19 the same numbers again.

20 Let's first look for (929) 327-5474, which is
21 identified in Government Exhibit 259 as the phone number used
22 by Jasur Kamolov. Do you see any communications between the
23 number that was identified as being used by Firuz Juraev and
24 the number used by Jasur Kamolov?

25 A Yes, I do.

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1 Q Approximately how many communications did you see when we
2 filtered for the calling number that is Jasur Kamolov's?

3 A There are 12 points of contact between the two numbers.

4 Q And just looking at the date column for those 12
5 communications or so, does the dates of those communications
6 occur between October 9th of 2019 and October 11th of 2019?

7 A Yes, they do.

8 Q So I'd now like to filter on another phone number. It's
9 a phone number (929) 245-2855. Looking at Government -- the
10 chart -- 259, the phone number that we just filtered on is
11 identified as a phone number used by Firuz Juraev; is that
12 right?

13 A That is correct.

14 Q And when we compare or search for that phone number, for
15 the phone number that is in Exhibit 253.3, did you see any
16 communications between those two phone numbers?

17 A Yes, I do.

18 Q Approximately how many communications came up?

19 A There are a total of 110 points of contact between the
20 two numbers.

21 Q And finally, I'd like to filter on another phone number.
22 That phone number is (646) 642-0124. And looking back at the
23 summary chart, that's the phone number identified as belonging
24 to Murodjon Sultanov; is that right?

25 A That's correct.

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1 Q So did you see any communications between this phone
2 number that's in Government Exhibit 253.3 and the phone number
3 of Murodjon Sultanov?

4 A Yes, I do.

5 Q And approximately how many data points of communication
6 were there when we filtered on the calling number?

7 A There are 14 points of contact between those two numbers.

8 Q Next I'd like to discuss a different set of exhibits also
9 from T-Mobile. This is Government Exhibit 255, including
10 Sub-exhibits 255.1 to 255.6, marked for identification.

11 MS. NGUYEN: The government moves those records into
12 evidence -- offers those records into evidence pursuant to the
13 Federal Rules of Evidence.

14 MR. GUADAGNINO: No objection, Judge.

15 THE COURT: All right. Received.

16 (Government Exhibit 255, including Sub-exhibits
17 255.1 to 255.6 were received in evidence.)

18 Q I'd like to begin with 255.1. Is this a record
19 certification from T-Mobile?

20 A Yes, it is.

21 Q And looking at the portion of the records that includes
22 the description, what phone number do these records relate to?

23 A The phone number that the records relate to is listed as
24 (929) 245-2855.

25 Q And does it give us a period of time for the relevant

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1 records?

2 A Yes, it does. The period of time listed is the start
3 date of November 1st, 2018 with an end date of November 25th,
4 2019.

5 Q So I'd now like to turn to a different exhibit, 255.5.

6 Are these the subscriber records for that same phone you just
7 read to us?

8 A Yes, they are.

9 Q And who is the subscriber of that phone number?

10 A The subscriber name listed is Firuz Juraev.

11 Q And does it include a subscriber address in Brooklyn, New
12 York?

13 A It does. The subscriber address listed is 7902
14 Bay Parkway, Apartment B, as in boy, 1, Brooklyn, New York
15 11214.

16 Q Now I'd like to go to a different exhibit, 255.2. These
17 are call detail records associated with that same telephone
18 number.

19 Looking at row 10 of this exhibit, does it indicate
20 a phone number of (929) 245-2855?

21 A Yes, it does.

22 Q And I'd like to do some searches for certain phone
23 numbers within these call detail records.

24 MS. NGUYEN: Can we look for the phone number
25 identified on Government Exhibit 259 as belonging to Jasur

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1 Kamolov, that phone number being (929) 327-5474?

2 Q Do you see any communications between the phone number of
3 Firuz Juraev and the phone number of Jasur Kamolov?

4 A Yes, I do.

5 Q Approximately how many communications do you see when we
6 filtered for the calling number of Jasur Kamolov?

7 A There are approximately 24 points of contact between the
8 two numbers.

9 Q Now I'd like to filter on a different telephone number,
10 that telephone number that was previously identified as the
11 phone number belonging to Murodjon Sultanov, specifically
12 (646) 642-0124.

13 Do you see any communications with the phone number
14 of Firuz Juraev and the phone number of Murodjon Sultanov?

15 A Yes, I do.

16 Q Approximately how many communications came up when we
17 filtered on the phone number of Murodjon Sultanov?

18 A There are approximately 20 points of contact between the
19 two numbers.

20 MS. NGUYEN: I'd like to set aside these T-Mobile
21 records and move on to a different set of records. These are
22 a set of records from Verizon which have been previously
23 marked for identification as Government Exhibit 258, including
24 Sub-exhibits 258.1 to 258.16. The government offers that
25 exhibit and its sub-exhibits into evidence pursuant to the

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1 Federal Rules of Evidence.

2 MR. GUADAGNINO: No objection, Your Honor.

3 THE COURT: Received.

4 (Government Exhibit 258, including Sub-exhibits
5 258.1 to 258.16 were received in evidence.)

6 Q I'd like to go directly to Exhibit 258.1. Can you tell
7 us what two phone numbers this record relates to?

8 A Yes. The two numbers that the record is relating to is
9 (212) 566-2242 and (917) 453-0034.

10 Q And is there an account name listed for each of those
11 telephone numbers?

12 A Yes. The account name listed for each of those phone
13 numbers is M. Golub, PLLC.

14 Q And are those same two phone numbers reflected as the
15 last two rows of the summary chart that's Exhibit 259?

16 A Yes, it is.

17 Q Now I'd like to go to the call detail records for -- that
18 are shown in Government Exhibit 258.14.

19 Oh, I'm sorry, these are not call detail records;
20 these are descriptions of call detail records.

21 MS. NGUYEN: Can we zoom into the description?

22 Q And starting with what is indicated in the third row,
23 does it indicate the direction of the calls listed in call
24 detail records and the code to identify the direction of the
25 calls?

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1 A Yes, it does.

2 MS. NGUYEN: I think we can zoom in a little bit.

3 Q Can you tell us what the directional codes are?

4 A The directional codes are for -- the Verizon program
5 lists MO as an outbound call, MT indicates an incoming call,
6 MF indicates voice mail or mobile-forwarded call.

7 Q And the two columns to the left of the direction, they
8 indicate a date and time. Does the information reflect that
9 the times and dates are reflected in Greenwich Mean Time?

10 A Yes.

11 Q And is Greenwich Mean Time approximately four hours ahead
12 of Eastern Standard Time?

13 A Greenwich Mean Time? Yes. I'm sorry, yes.

14 Q No problem.

15 I'd like to move over to the fifth column where it
16 says called number. Can you tell us what that means?

17 A So called number indicates -- going to the legend here,
18 it says: This is the number dialed to initiate the call. For
19 inbound calls, this number will be the same as the mobile
20 directory number column. And for outbound calls, this is the
21 number your target called -- or dialed.

22 Q And moving onto the next column listed as CPN, what is
23 that definition?

24 A The definition for CPN is this is the calling party that
25 initiated the call. If the call is outbound, this column will

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1 be the same as the mobile directory number. If the call is
2 inbound, this is the number that dialed your target.

3 Q And then what is the column description directly to the
4 right of that?

5 A SOU or --

6 Q SOU, what does that mean?

7 A SOU means the call duration in seconds or how long the
8 call lasted.

9 Q We can set this exhibit aside and move on to
10 Exhibit 258.15.

11 And looking at the -- at Column A, do these appear
12 to be the call detail records for the phone number ending in
13 -2242, identified as belonging to Mitchell Golub?

14 A Yes.

15 Q And just looking generally at the dates here, the
16 beginning, does it begin on, approximately, October 18th of
17 2019?

18 A Yes, it does.

19 Q And scrolling to the bottom of this exhibit, the earliest
20 call reflected is October 14, 2019?

21 A Yes, it is.

22 Q I'd like to direct your attention to rows 60 to 61 of
23 this exhibit. I think we can highlight those rows for you.

24 Looking at Column G, can you -- and I think we have
25 to go up to show you what the column header is.

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1 Column G is CPN; is that right?

2 A That's correct.

3 Q And CPN is the phone number that called this number; is
4 that right?

5 A That is correct.

6 Q What is the phone number listed in rows 60 to 61?

7 A Phone -- the phone number listed in rows 60 to 61 is
8 989- -- apologies, 989-91-1 -- sorry, 989-15- -- 1-5259158.

9 Q I don't know if I missed it, but it begins 998-9?

10 A Yeah. Sorry, I'm reading that wrong.

11 Q No problem.

12 A My apologies.

13 Q And looking at column 60 and Column D, it indicates a
14 direction MT. I believe you told us that according to the
15 records definition, MT is an incoming call; is that right?

16 A That's correct.

17 Q And this appears to be an incoming call from that longer
18 phone number to the phone number ending in 2242; is that
19 right?

20 A That is correct.

21 Q And then looking at row 61, we have a call where the
22 direction is indicated MF?

23 A That is correct.

24 Q Did you tell us from the last exhibit that that could be
25 a mobile-forwarded call?

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1 A Yes, it can be a mobile-forwarded call or a voice mail.

2 Q And if we scroll over to Columns E and F, it appears that
3 this was an MF call to a phone number (917) 453-0034?

4 A That's correct.

5 Q And is that the same phone number listed in Exhibit
6 259 on the --

7 A Yes, it is.

8 Q -- bottom row identified as Mitchell Golub?

9 A Yes, it is.

10 Q And looking at Column H of this exhibit -- I believe
11 that's a column for seconds of use that you defined for us --
12 how long is the call reflected in row 61?

13 A The duration of the call in row 61 is 12 seconds.

14 Q And I'd like to zoom out a little bit and filter for a
15 particular number that seems to recur on these records,
16 looking in the CPN column. In particular, I would like to
17 filter for a number that's not on the summary chart, that
18 phone being (980) 28 -- I'm sorry, (980) 985-8238.

19 Do you see any calls from that phone number?

20 A Yes.

21 Q And approximately how many records were returned when we
22 searched for that phone number as the calling number?

23 A There are approximately 70 points of contact between
24 those two numbers.

25 Q And just looking at Column D, does that include both

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1 incoming calls and MF calls, which are forwarded calls?

2 A Yes.

3 Q I'd like to now go back to some of the call detail
4 records that we previously reviewed and search for this
5 number, (980) 985-8238. So let's start with the phone number
6 that was identified as the phone number belonging to Murodjon
7 Sultanov. That is Government Exhibit 253.2. When we filter
8 these records for that same phone number, (980) 985-8238, what
9 do we find? Do you see any communications with that phone
10 number?

11 A Yes.

12 Q And approximately how many did you find when we filtered
13 on the calling number column?

14 A There are approximately 19 points of communication
15 between those two numbers.

16 Q So now I'd like to search for that same phone number on
17 another set of call detail records that we reviewed. That
18 would be in Exhibit 253.3 for the phone number that was
19 identified as being used by Firuz Juraev. That phone number
20 we're searching for is (980) 985-8238.

21 Did you see any communications with Firuz Juraev and
22 this particular phone number?

23 A Yes.

24 Q Approximately how many communications appeared when we
25 filtered on the calling number column?

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1 A There are approximately 298 points of contact between
2 those two numbers.

3 Q And next I'd like to go to the other phone number that
4 was identified as being used by Firuz Juraev that's contained
5 in Government Exhibit 255.5. I'm sorry, 255.2.

6 When we filter for that same phone number in the
7 calling number column, (980) 985-8238, what do you observe?

8 A I observe 217 points of contact between those two
9 numbers.

10 Q So now I'd like to return to the call detail records for
11 the phone number ending in -2242 that was identified as
12 belonging to Mitchell Golub. That was Exhibit 258.15.
13 Reviewing the phone records for this particular phone number
14 of Mitchell Golub and searching for that phone number,
15 (980) 985-8238, I'd like to scroll over to Column H.

16 And would you agree that most of the duration for
17 those communications are precisely 70 seconds of use?

18 A Yes.

19 Q And now scrolling down towards the bottom, are there
20 communications with this phone number that are longer than 70
21 seconds?

22 A Yes, many.

23 Q And can you describe for us row 74? Approximately, how
24 long was that particular incoming call from that particular
25 phone number?

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1 A In row 74, approximately five minutes and -- or I don't
2 want to say five minutes. I'll say 575 seconds.

3 Q And then just looking at row 78, do you see another
4 communication with that same phone number?

5 A Yes.

6 Q And approximately how long is that communication?

7 A Approximately 341 seconds.

8 Q And all of the other communications except those are
9 70 seconds?

10 A That's correct.

11 Q And just taking a look, scrolling over to the first
12 couple of columns of this exhibit where we filtered for that
13 particular phone number, can you just take a look and look,
14 approximately, how frequently are incoming calls coming from
15 that particular number? You can begin at the beginning and
16 slowly scroll down for you to review it to yourself.

17 How would you describe the frequency of those calls?

18 A I would say there's a lot of calls occurring on that
19 specific day. And the frequency is within minutes of each
20 other, of the first original call, and the call gets
21 forwarded. Then there's maybe another hour that passes and
22 then, within those minutes, there's calls coming in and then
23 forwarded, calls coming in and then forwarded.

24 Q And in particular, is there a high volume of incoming
25 calls from that phone number on October 17th of 2019?

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1 A Yes.

2 Q We can set aside this exhibit now and I'd like to talk
3 about something other than phone records.

4 I'd like to talk to you about what is in evidence as
5 Government Exhibit 225 as Chase bank records.

6

7 (Continuing on the following page.)

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1 (Continuing.)

2 (Exhibit published.)

3 BY MS. NGUYEN:

4 Q Looking at page 213 of Government Exhibit 225.

5 MS. NGUYEN: Can we zoom in on that?

6 Q Does this appear to be accountholder information for a
7 particular Chase Bank account?

8 A Yes.

9 Q Do you see the name of the accountholder?

10 A I do.

11 Q What is the name indicated?

12 A The name indicated is Murodjon Sultanov.

13 Q And I'd like to ask you to look a little bit lower down.

14 Is there an e-mail associated with this user --

15 A There is.

16 Q -- accountholder I mean?

17 What is that e-mail address?

18 A The e-mail address indicated is 7770wlWhite777@gmail.com.

19 Q And is there a phone number included in this
20 accountholder's information?

21 A There is.

22 Q What is that phone number?

23 A 646-642-0124.

24 Q And now I'd like to go to page 256 of this exhibit.

25 (Exhibit published.)

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1 BY MS. NGUYEN:

2 Q And looking at the bottom portion, can you identify, is
3 this an account statement for an individual named Murodjon
4 Sultanov?

5 A Yes, it is.

6 Q And is it related -- is there an account number listed?

7 A Yes, it is.

8 Q Can you read for us the account number?

9 A Sure. The account number listed for Murodjon Sultanov is
10 4266841588792828.

11 Q Now, I'd like to move on to page 258, which is part of
12 this same account statement.

13 MS. NGUYEN: And zoom into the transaction portion.
14 We can just look at the purchase section.

15 Q Just taking a look at the purchases listed in this
16 particular account statement.

17 Do you see any charges to TLC Taxi and Limousine?

18 A I do.

19 Q Approximately how many entries do you see associated with
20 TLC?

21 A Approximately, eight transactions with TLC.

22 Q And directing your attention to about midway down the
23 page, do you see any transaction for PSI Services?

24 A Yes, I do.

25 Q And is that for \$49?

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1 A Yes, it is.

2 Q And these transactions, do they occur on multiple dates
3 within this account statement period?

4 A Yes.

5 Q Let's look at another account statement contained in
6 these records. Let's look at the account statement beginning
7 on page 260.

8 And just looking at the bottom half, is this for the
9 same account that we were just talking about?

10 A Yes, it is.

11 MS. NGUYEN: And now, scrolling down two pages after
12 this for the same account statement on page 258, I'd like to
13 zoom in on the transactions.

14 BY MS. NGUYEN:

15 Q And generally, do you see purchases charged to PSI
16 Services?

17 A Yes.

18 Q Approximately how many charges to PSI Services do you
19 see?

20 I don't need a precise number, but just take a look
21 and see if you see any.

22 A Yeah, there are several purchases made to PSI Services.

23 Q And are those across different dates during this account
24 period statement?

25 A Yes, they are.

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1 Q Now, I have what's been previously received into
2 evidence, Government Exhibit 307.

3 Is this something you've had an opportunity to
4 review before?

5 A Yes.

6 Q In particular, did you look at a green notebook?

7 A Yes.

8 (Exhibit published.)

9 BY MS. NGUYEN:

10 Q Did you compare the information written in the green
11 notebook on this particular page with the information for the
12 records that we just reviewed in Government Exhibit 225?

13 A Yes.

14 Q What did you determine?

15 A The e-mail address and the name are exactly identical to
16 the record in the bank document.

17 Q And do you see that there's an account number listed in
18 the green notebook that's part of Exhibit 307?

19 A There is an account number listed.

20 Q Did you have an opportunity to compare that account
21 number with an account number in Exhibit 225?

22 A Yes.

23 Q And what did you determine?

24 A That is the identical account number that's listed in the
25 bank statement.

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1 MS. NGUYEN: We can go ahead and set aside the green
2 notebook. And I'd ask to go back to Government Exhibit 225,
3 so that we could see where that account number appeared.

4 (Exhibit published.)

5 BY MS. NGUYEN:

6 Q Directing your attention to page 101 of this exhibit.

7 MS. NGUYEN: Zooming into the right side of that
8 page.

9 Q Is that account number identified in the account number
10 portion of the table?

11 A Yes, it is.

12 MS. NGUYEN: So, we can set aside the Chase Bank
13 records now and I'd like to focus on a different set of
14 records. The Government has previously marked for
15 identification a set of records identified as Exhibits 286
16 through 290.

17 Pursuant to the Federal Rules of Evidence, the
18 Government offers these exhibits.

19 MR. GUADAGNINO: No objection.

20 THE COURT: Received.

21 (Government's Exhibits 286 through 290 were received
22 in evidence.)

23 BY MS. NGUYEN:

24 Q I'd like to start with Government Exhibit 290 in
25 evidence.

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1 (Exhibit published.)

2 | BY MS. NGUYEN:

3 Q And can you read for us, we'll zoom in for you, the
4 certification here?

5 | A Yes.

The certification states: The American Association
of Motor Vehicle Administrators, a District of Columbia
nonprofit corporation, submits this certificate pursuant to
Rules 803(6) and 902(11) of the Federal Rules of Evidence.

10 The undersigned, Vikas Jain, states as follows:

11 Number 1. I am the project manager, commercial
12 skills test management system for AAMVA. As such, I am
13 familiar with AAMVA's practices and procedures regarding the
14 collection and maintenance of business records pertaining to
15 CSTIMS. CSTIMS is a web application that was developed by
16 AAMVA under contract with the Federal Motor Carrier Safety
17 Administration and that AAMVA operates and maintains to help
18 states comply with FMCSA regulations concerning commercial
19 driver's license skills tests that are administered to a CDL
20 applicant.

21 Number 2. Attached to this certificate are records
22 subpoenaed by the Government

23 Number 3. CSTIMS enables persons engaged in CDL
24 skills testing to enter data in the ordinary course of
25 business at or near the time that the activities or

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1 information relating to CDL skills testing take place.

2 Number 4. The information maintained in CSTIMS is
3 kept in the course of regularly-conducted activities relating
4 to CDL skills testing as required by FMCSA regulations.

5 Number 5. I declare under penalty of perjury that
6 the foregoing is true and correct.

7 Q And zooming out from this, was this certification
8 electronically signed?

9 A Yes, there is a digital signature on there from Vikas
10 Jain, dated June 26, 2021, Arlington, Virginia.

11 Q I'd like to focus now on Government Exhibit 288 in
12 evidence that relates to the certification you just read.

13 Zooming in on the top portion of this exhibit, can
14 you describe for us the title of this document?

15 A The title of this document is "Pennsylvania Department of
16 Transportation Third-Party Tester CDL Driver's Examination
17 Report."

18 Q Is there a customer name indicated for this particular
19 driver examination report?

20 A There is a customer name listed on there in the name of
21 Jasur Kamolov.

22 Q Does it indicate the date of the exam on the far right?

23 A Yes. The exam date is September 22nd, 2018.

24 Q And below the customer's name, are you able to determine
25 the relevant permit class being sought?

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1 A Yes, the permit class that was sought is indicated as
2 Class A.

3 MS. NGUYEN: And we can zoom back out.

4 BY MS. NGUYEN:

5 Q And looking at the bottom portion of this exhibit, what
6 are the results of this person's skills test results?

7 A The skills test results indicate that as far as vehicle
8 inspection, the person scored a number of 70, which passed.
9 In the basic control skills portion, they scored a number of
10 4, which they passed. And then on the road they scored a
11 number of 23, which is also indicated as they passed.

12 Q And does it indicate right below the results that the
13 commercial driver's should be issued?

14 A Yes. The tester indicates that the person should be
15 issued a commercial driver's license.

16 Q Does there appear to be a signature of the customer on
17 this exhibit?

18 A There is a customer signature on there.

19 MS. NGUYEN: We can zoom back out.

20 And going to the next page of this exhibit. I'd
21 like to zoom in on the portion called CDL Skills Test Score
22 Sheet.

23 Q Looking at the top left, does it indicate a site name?

24 A Yes, the site name indicated is BCTC.

25 Q Is this for the same applicant/customer that we were

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1 talking about, Jasur Kamolov?

2 A Yes, it is.

3 MS. NGUYEN: And zoom back out.

4 BY MS. NGUYEN:

5 Q And is there in the middle portion what appears to be a
6 signature of this customer?

7 A Yes, it is.

8 MS. NGUYEN: Zoom back out, and I'd like to scroll
9 towards the last pages of the exhibit.

10 Q And ask if you see any identification documents?

11 A Yes.

12 Q Go ahead, what does page 6 show?

13 A It shows a photo of a New York State commercial learner's
14 permit in the name of Jasur Kamolov.

15 Q And page 7, what is that?

16 A It's also a New York State driver's license issued to
17 Jasur Kamolov.

18 Q And finally, page 8.

19 Can you read the name of the document about a third
20 of the way down?

21 A Yes, the name on the document is Jasur Kamolov, and this
22 appears to be a medical examiner's certification card.

23 Q Thank you.

24 MS. NGUYEN: We can set that exhibit aside, and I'd
25 ask to look at Government Exhibit 287.

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1 (Exhibit published.)

2 MS. NGUYEN: Scrolling to the top portion of this.

3 BY MS. NGUYEN:

4 Q Can you describe what this document is?

5 A This is the Pennsylvania Department of Transportation
6 Third-party Tester, CDL Driver's Examination Report.

7 Q And who does it relate to?

8 A It relates to Ibodullo Muratov.

9 Q And what was the exam date for this customer?

10 A The exam date is listed as June 30th, 2018.

11 Q What permit class is being sought?

12 A This person is also seeking a Class A permit.

13 Q And I'd like to scroll down lower to the page and ask
14 you, did this person pass the skills test results?

15 A Yes, according to the information indicated on vehicle
16 inspection, they received a score of 69. On basic control
17 skills, they received a score of 5. And on the road, they
18 received a score of 17, which all indicate they passed.

19 Q And does it appear to have been signed by the customer on
20 June 30th, 2018?

21 A Yes, there is a signature there.

22 MS. NGUYEN: I'd like to go on to page 2 of this
23 exhibit, and scroll, zoom into the top portion where it lists
24 CDL Skills Test Score Sheet.

25 Q Do you see the site name?

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1 A Yes, I do.

2 Q What's the site name?

3 A BCTC.

4 Q And the applicant is the same applicant/customer we were
5 speaking of before?

6 A Yes, it is.

7 MS. NGUYEN: We can zoom back out.

8 BY MS. NGUYEN:

9 Q And does this appear to include the signature of the
10 customer, as well?

11 A Yes, ma'am.

12 Q And I'd like to scroll through the exhibit, through its
13 pages, and let me know if you see any identification
14 documents.

15 (Scrolling.)

16 A Yes, I do.

17 Q Is that on page 6?

18 A Yes, ma'am.

19 Q What do you see?

20 A I see a photocopy of a -- well, a photograph taken of a
21 New York State commercial learner's permit for Ibodullo
22 Muratov.

23 Q And page 7?

24 A Page 7 is also a New York State driver's license issued
25 to Ibodullo Muratov.

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1 Q And what does page 8 show?

2 MS. NGUYEN: We can zoom into the top portion.

3 A Yes, so, page 8 also indicates a medical examination --

4 I'm sorry, medical examiner's certificate issued to Ibodullo
5 Muratov.

6 Q Now, I'd like to go to a different exhibit, 286.

7 (Exhibit published.)

8 BY MS. NGUYEN:

9 Q Is this the same type of CDL Driver Examination Report
10 we've been looking at?

11 A Yes, it is.

12 Q And zooming in on the top portion, can you tell us the
13 name of the customer?

14 A The name listed on the Pennsylvania Department of
15 Transportation CDL report or CDL Examination Report is
16 Dilmurod Rahmonov.

17 Q And was this exam date indicated as March 3rd of 2018?

18 A Yes.

19 Q And this person is seeking a Class A permit, is that
20 right?

21 A That's correct.

22 MS. NGUYEN: Just zooming back out.

23 BY MS. NGUYEN:

24 Q The person has indicated, according to this record, that
25 the person passed the skills portion test, is that correct?

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1 A That is correct.

2 Q And there is a signature of the customer, is that right?

3 A That is correct.

4 Q And going to page 2 of this exhibit, zooming in on the
5 top portion.

6 What is the site name?

7 A The site name is BCTC.

8 Q For the same customer that we've been discussing, is that
9 right?

10 A That is correct.

11 Q Okay.

12 MS. NGUYEN: Scrolling towards the end of this
13 exhibit.

14 BY MS. NGUYEN:

15 Q Do you see copies of identification documents related to
16 that applicant Dilmurod Rahmonov?

17 A I do.

18 Q And is that on page 6?

19 A Yes, ma'am.

20 Q What do you see?

21 A I see at the top of the photo a copy of a New York State
22 driver's license issued to Dilmurod Rahmonov, and then at the
23 bottom is a New York State commercial learner's permit issued
24 to Dilmurod Rahmonov.

25 Q And we can set this exhibit aside and look at Government

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1 Exhibit 289.

2 Zooming in on the top portion, is this the similar
3 testing results CDL Driver Examination Report?

4 A Yes, it is.

5 Q What's the name of this customer?

6 A The name is Jasur Sobirov.

7 Q What is this exam date?

8 A Exam date is February 16, 2019.

9 Q And is this, right at the very bottom of the window, do
10 you see that this is for a permit Class A?

11 A Yes, it is.

12 MS. NGUYEN: Zoom out.

13 BY MS. NGUYEN:

14 Q And looking at the middle section, did this person pass
15 the skills test?

16 A According to what's indicated, yes.

17 Q And moving on to page 2, zooming in on the top portion.

18 What's the site name here?

19 A The site name listed is Shelly Truck Driving School.

20 Q And it's dated February 16th of 2019?

21 A That's correct.

22 MS. NGUYEN: And we can zoom back out.

23 BY MS. NGUYEN:

24 Q And does this appear to have been signed by the customer
25 in February of 2019?

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1 A There is an indication of a signature, yes.

2 Q Okay.

3 MS. NGUYEN: We can set aside these records.

4 And I'd like to move on to a different set of
5 records. The Government has previously marked for
6 identification Exhibits 201 through 207. Pursuant to the
7 Federal Rules of Evidence, the Government offers into evidence
8 these exhibits as the records of Delia's Gun Shop.

9 MR. GUADAGNINO: No objection, Your Honor.

10 THE COURT: Received.

11 (Government's Exhibits 201 through 207 were received
12 in evidence.)

13 BY MS. NGUYEN:

14 Q I'd like to start with Exhibit 207.

15 (Exhibit published.)

16 Q Zooming in to this certificate, can you read paragraph 1
17 for us?

18 A Yes.

19 I, Kimber Zerweck, attest, under penalties of
20 perjury under the laws of the United States of America
21 pursuant to Section 28 of the United States Code Section 1746,
22 that the information contained in this declaration is true and
23 correct. I am employed by Delia's Gun Shop, Mad Minute
24 Enterprises, LLC, and my official title is owner. I am a
25 custodian of records for Delia's Gun Shop. I state that each

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1 of the records attached hereto is the original record or a
2 true duplicate of the original record in the custody of
3 Delia's Gun Shop, and that I am the custodian of the attached
4 records that are identified as Government Exhibits 201 and
5 206. I further state that:

6 A. All records attached to this certificate were
7 made at or near the time of the occurrence of the matter set
8 forth, by, or from information transmitted by, a person with
9 knowledge of those matters;

10 B. Such records were kept in the ordinary course of
11 a regularly scheduled -- I'm sorry -- regularly conducted
12 business activity of Delia's Gun Shop; and

13 C. Such records were made by Delia's Gun Shop as a
14 regular practice.

15 I further state that this certification is intended
16 to satisfy Rule 902(11) of the Federal Rules of Evidence.

17 MS. NGUYEN: I'd like to move on to Government
18 Exhibit 203.

19 (Exhibit published.)

20 MS. NGUYEN: I'd like to zoom in on the top half,
21 Sections A and B of this exhibit.

22 BY MS. NGUYEN:

23 Q Can you tell us what this is?

24 A Yes. This is a record from the Pennsylvania State Police
25 Application/Record of Sale.

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1 Q And does this relate to what appears to be a purchase of
2 a firearm?

3 A Yes, in Section B indicates the transferee's/purchaser's
4 information.

5 Q What's the name of the purchaser listed?

6 A The name listed is Zulaykho Kurbanova.

7 Q And what is the sex of this individual?

8 A The sex of this individual is listed as female.

9 Q And what is the address associated with this individual?

10 A The address associated to this individual is 9921
11 Bustleton Avenue, an apartment located within Philadelphia,
12 Pennsylvania, 19115.

13 Q And does there appear to be the signature of the
14 purchaser towards the middle of what we're looking at now?

15 A Yes, in box number 34, the individual signs the
16 application.

17 Q And is the date of the application indicated,
18 February 23rd of 2019?

19 A Yes, ma'am.

20 Q And what's written above that person's signature?

21 A Written above the actual signature is a statement
22 indicating the following:

23 I verify the facts that I have set forth in blocks 5
24 through 33 of this form are true and correct to the best of my
25 knowledge, information and belief. This verification is made

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1 subject to both the penalties of Section 4904 of the Crimes
2 Code 18 P.A.C.S. 4904 relating to unsworn falsification to
3 authorities and the Uniform Firearms Act.

4 I also understand that the making of any false
5 written statement or the exhibiting of any false
6 misrepresented identification with respect to this application
7 is a crime punishable as a felony.

8 Q Before we move on, I just want to direct your attention
9 to box number 4 on the upper right.

10 Is there an approval number and approval date
11 indicated?

12 A There is an approval number indicated in box number 4.

13 Q And that approval number is 19W0105067?

14 A Yes, ma'am.

15 Q And the date of approval is February 26th, 2019?

16 A Yes, it is.

17 Q I'd like to go on to the bottom portion of this same page
18 where it indicates Section E, Firearm Information.

19 Can you describe the make, model and serial number
20 of the particular firearm listed in this exhibit?

21 A Yes. In Box 51 indicates the make of the firearm is
22 SKY-SCCY/SKYY/and then SKY or parentheses SKY. The model
23 number is CPX1. The caliber is a 9-millimeter. The length of
24 the barrel is three inches. And then in Box 55 indicates the
25 serial number, which is considered the DNA of the firearm,

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1 780189.

2 Q Next I'd like to turn to a different exhibit. That's
3 Government Exhibit 206.

4 (Exhibit published.)

5 MS. NGUYEN: Just zooming in to this. Actually,
6 sorry, let's zoom back out to include the caption or title.

7 BY MS. NGUYEN:

8 Q Is there an approval number on this document that appears
9 to be from the Pennsylvania State Police?

10 A Yes.

11 Q And does that approval number match the approval number
12 that we just read from Exhibit 203?

13 A Yes.

14 Q And what is the purchaser named indicated?

15 A The purchaser named indicated is Zulaykho Kurbanova.

16 Q Next, I'd like to look at Government Exhibit 204.

17 (Exhibit published.)

18 MS. NGUYEN: And just zooming in on the top portion.

19 BY MS. NGUYEN:

20 Q Does this appear to be a firearms transaction record?

21 A Yes, it is.

22 Q And is the information contained in this record for the
23 buyer the same information that was contained on
24 Exhibit 203 --

25 A Yes, it was.

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1 Q -- Looking at the name and address?

2 A Yes, it was.

3 Q And looking at page 3 of this exhibit, is the description
4 of the firearm included on the top?

5 A Yes, it is.

6 Q And is that the same serial number that you read to us
7 before?

8 A Correct.

9 Q And I'd like to go back briefly to Exhibit 203.

10 (Exhibit published.)

11 BY MS. NGUYEN:

12 Q And scrolling to the next page.

13 MS. NGUYEN: I'm sorry.

14 Q Right below in Section C where it indicates
15 acknowledgement on the one page of Exhibit 203, does it
16 indicate the date that the transfer actually took place?

17 A Yes.

18 Q What date is that?

19 A February 26, 2019.

20 Q And finally, as part of this series of exhibits I'd like
21 to look at Exhibit 205.

22 (Exhibit published.)

23 Q What is this?

24 A This appears to be a photocopy of what's indicated as
25 research.

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1 Q And we can zoom into the right portion. Well, why don't
2 we start with the top two identifications.

3 Can you tell us what you see?

4 A Yes, I see what appears to be personal identifying
5 information, one of which is a Pennsylvania -- Pennsylvania
6 identification card belonging to Zulaykho Kurbanova of 9921
7 Bustleton Avenue, Philadelphia, Pennsylvania.

8 Q And what do you see below that identification photocopy?

9 A Below that is another piece of what appears to be
10 personal identifying information. I can't tell what kind of
11 card it is, but it appears to have the same name or does have
12 the same name and same surname as the top.

13 MS. NGUYEN: We can zoom back out, and I'd like to
14 direct your attention to the bottom portion.

15 BY MS. NGUYEN:

16 Q Are you able to make out what type of identification
17 document this is?

18 A No.

19 Q Can you see the name on this identification document?

20 A I can see the name.

21 Q What is the name?

22 A The name is Sukhrob Khamrokulov.

23 Q And right above that identification, is there a -- well,
24 two phone numbers listed?

25 MS. NGUYEN: You can zoom back out.

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1 A Yes, there are.

2 Q And looking at the second phone number listed, can you
3 read that to us?

4 A The second phone number listed is 802-289-0909.

5 Q And what is written next to that phone number?

6 A Written next to the phone number are the words "call
7 this" with an arrow pointing directly at the 802 number.

8 Q So, I'd like to set aside all the records at this time
9 and talk about your involvement in the investigation relating
10 to Firdavs Giyasov.

11 In particular, I'd like to ask you some questions
12 about April 18th of 2019.

13 On that day, were you assigned to participate as
14 part of an arrest team for Sherzod Mukumov?

15 A Yes, I was.

16 Q What was your role on that arrest team?

17 A My role was to act as a contact officer with the -- with
18 another agent at the scene, and then also to handle any kind
19 of calls that may have been made after the arrest of the
20 target to the NYPD. I would handle communicating with the
21 NYPD and letting them know what was going on, why the FBI was
22 here, and what we were doing.

23 Q And was Mr. Mukumov arrested by you and your team that
24 day?

25 A Yes, without incident.

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1 Q After the arrest of Mr. Mukumov, did you respond to a
2 different location?

3 A I did.

4 Q Where did you go?

5 A I was redirected to respond to the location of the
6 secondary team that was executing an arrest warrant for a
7 Mr. Akmal.

8 Q What happened when you arrived to that second location?

9 A When I arrived to the location, I spoke with the field
10 team leader who informed me that the team had attempted to
11 make contact with Mr. Akmal, but there was an indication of a
12 clicking sound once they made their presence known at the
13 door.

14 So, as a precaution, they were directed to back away
15 from the door because there was an indication that there may
16 be a firearm in the location. And so, to avoid any kind of
17 unfortunate incident, it was decided that Emergency Services
18 would be contacted and they would breach the door with the
19 FBI.

20

21 (Continued on the following page.)

22

23

24

25

Rivera - direct - Nguyen

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1 BY MS. NGUYEN:

2 Q Was there a time when the door was breached and the
3 individual who was a target was arrested?

4 A Yes.

5 Q Were you present for that?

6 A Yes.

7 Q Tell us what your role was?

8 A After the door was breached and Mr. Akmal was taken into
9 custody, the FBI then -- the case agent secured Akmal. There
10 was also an indication during the breach there was another
11 individual in the apartment, which turned out to be
12 Mr. Akmal's mother.

13 After he was arrested it was decided a search
14 warrant would be appropriate at this time because there was an
15 indication there was a firearm in the location. So we were
16 told to standby. They would have a female agent secure the
17 mother where she was at. Then we were all waiting to get the
18 okay to then begin a search of the apartment for the firearm.

19 Q Did you personally participate in the search of the
20 apartment?

21 A I did.

22 Q Generally, what was your role in the search of that
23 apartment?

24 A I was assigned to search a specific room in the
25 apartment. And I searched the room, turning in anything that

Rivera - direct - Nguyen

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1 we found, and assist anyone else that was searching in other
2 areas of the apartment.

3 Q Do you remember what particular room you were assigned to
4 search?

5 A The mother's bedroom.

6 Q I'm going to show you what is in evidence as Government's
7 Exhibit 301. Are you familiar with this exhibit?

8 A Yes.

9 Q We can zoom in for you and just ask that you describe for
10 us, using this exhibit, what part of the apartment you were
11 assigned to search?

12 A So what we're looking is a floor plan of the apartment.
13 And I was initially assigned to search room B. And then if I
14 was done with room B, I would go ask, hey, does anyone else
15 need help? Then I was assigned to a different area.

16 Q Did you end up searching any other areas besides room B?

17 A Yes.

18 Q What areas do you recall searching?

19 A Indicated on the bottom left of the floor plan is room F,
20 which is actually one of three closets in the apartment.

21 Q Is that one of the areas that you searched?

22 A Yes.

23 Q I'd like to set this exhibit aside and show you what is
24 in evidence as Government's Exhibit 302A. And I'd like to
25 show you two pages from this exhibit, starting with page 11

Rivera - direct - Nguyen

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1 and then moving on to page 20. Do you recognize what was
2 depicted in page 11 and page 20?

3 A Yes.

4 Q What was depicted?

5 A In room F, according to this photo, number 20, there is
6 contents in the closet in the bottom portion of it, in the top
7 are boxes.

8 Q We can go back to page 11.

9 A Yes.

10 Q Are both of those images, pages 11 and 20, depicting the
11 closet identified as room F?

12 A Yes.

13 Q You had described there were some boxes shown in page 11,
14 is that on the top-right corner?

15 A Yes, ma'am.

16 Q Can we just zoom in on that for a moment? We can zoom
17 back out.

18 I'd like to direct your attention to a different
19 exhibit, exhibit 302B, page one. Do you recognize what is
20 shown here?

21 A Yes.

22 Q What is it?

23 A The boxes that I mentioned in room F and then in black --
24 yellow envelope at the top, the yellow bag underneath the
25 envelope and what appears to be a black item underneath the

Rivera - direct - Nguyen

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1 yellow bag.

2 Q Are you referring to the area that we just zoomed in on?

3 A Yes, ma'am.

4 Q Let's zoom back out and this image, 302B, page one, is it
5 this a similar photo to Exhibit 302A, page 11?

6 A Yes.

7 Q We'll show you 302A again. I'd like to show you a
8 different set of pages from 302A, that is pages 30 through 32.
9 Generally looking at page 30 of Exhibit 302A, what do you see?

10 A I see documents and also some other items in there.

11 Q We can set aside Exhibit 302B for the moment and just
12 focus on Exhibit 302A. Does page 30 of 302A depict the
13 contents of closet F?

14 A Yes.

15 Q And let's turn to page 31. Is this a close-up of some of
16 the items depicted in page 30?

17 A Yes, ma'am.

18 Q I'd like to zoom in on a portion of this page 31 for you,
19 sort of the bottom middle. Do you see that document on the
20 very bottom of the page?

21 A Yes.

22 Q Did you have an opportunity to compare that document with
23 the contents of Government's Exhibit 304?

24 A Yes.

25 Q I'm referring to what is in evidence as Government's

Rivera - direct - Nguyen

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1 Exhibit 304, a particular page within that Exhibit. Is that
2 the document that you compared from Government's Exhibit 304
3 with the document pictured in Exhibit 302A, page 31?

4 A Yes, it was.

5 Q When you made that comparison, what did you determine?

6 A I determined that the name is identical to what was found
7 in the black item.

8 Q We now have displayed for you Exhibit 304, an item from
9 within 304; is that right?

10 A Yes.

11 Q I'd like to switch back to page 31 of Exhibit 302A. Did
12 you compare the document that's contained or depicted on the
13 bottom of Exhibit 31 with the document we just saw in
14 Exhibit 304?

15 A Yes.

16 Q Do they appear to be the same document to you?

17 A Yes.

18 Q Next I'd like to move to page 32 of Exhibit 302A. What
19 is this?

20 A These are the items that were recovered out of the
21 closet/room F that we searched.

22 Q I'd like to zoom in to the right side of the photograph.
23 Can you describe what you see in the zoomed-in portion?

24 A I see the black item that was in the closet on the top
25 shelf and also plastic bag with. I think those were -- I'm

Rivera - direct - Nguyen

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1 not sure what they were, but it was something.

2 Q The black object that you had observed in the closet that
3 is now shown in page 32, what does it appear to be?

4 A Appears to be a wallet.

5 Q Were these some of the items that you collected and other
6 agents collected during your search of the apartment?

7 A Yes.

8 Q Were you there at the conclusion of the search?

9 A Yes, I was.

10 Q After all the evidence had been collected, after the
11 conclusion of the search, did there ever come a time that you
12 reviewed some of the evidence that had been collected during
13 the search?

14 A Yes.

15 Q Can you describe the circumstances under which you did
16 that?

17 A Sure. So the day after the search warrant, I came into
18 the office and I saw the case agent and all the items that
19 were recovered from the day before. I'm just helping and I'm
20 not going to leave someone there going through a lot of stuff,
21 so I started going through with her.

22 And I see the wallet. And I opened the wallet. And
23 I see personal identifying information, meaning driver's
24 license, social security card, other items that you or I would
25 keep in our wallet and keep with us for that day. It's a

Rivera - direct - Nguyen

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1 person's wallet.

2 Q Do you recall the name included on the belongings in that
3 wallet?

4 A I believe the name was the same name that was found on
5 the previous item that was shown with a person's name on it.

6 Q I'd like to show you what is marked for identification as
7 Government's Exhibit 333. I'd like to show the witness all
8 the pages of Exhibit 333. Do you recognize what these 11
9 pages of Exhibit 33 are?

10 A Yes.

11 Q Generally what are they?

12 A They are the items that were in the wallet that was
13 recovered from the closet in room F with the name Firdavs
14 Giyasov.

15 Q Are these fair and accurate images, depictions, of the
16 property you observed and collected in connection with the
17 search of the apartment on April 18, 2019?

18 A Yes.

19 MS. NGUYEN: The Government offers Exhibit 333 into
20 evidence.

21 MR. GUADAGNINO: No objection, your Honor.

22 THE COURT: Received.

23 (Government's Exhibit 333 was received in evidence.)

24 BY MS. NGUYEN:

25 Q What happened to this property that's shown in

Rivera - direct - Nguyen

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1 Government's Exhibit 333?

2 A So when I saw the wallet, I recognized the name. I
3 brought it to the attention of the case agent. And I believe
4 shortly after that, after the search warrant, I think sometime
5 in May, she made arrangements to return the items immediately
6 to Mr. Giyasov.

7 Q I'd like to review all the pages of Exhibit 333. We can
8 start with page two. What do you see?

9 A Page two at the top is a New York City identification
10 card with the photo and the name of Firdavs Giyasov. On the
11 bottom is what appears to be a California identification card
12 with the name Firdavs Giyasov, also with a photo. To the
13 right is a Bank of America card. And underneath that is a New
14 York state learner's permit.

15 Q The wallet depicted here with the various identification
16 documents, is that the condition in which you found the wallet
17 which you were reviewing the evidence?

18 A Yes.

19 Q I'd like to move on to page three. Generally what are
20 these documents?

21 A These are what you consider personal or identifying
22 information. These are cards that are issued by a state and
23 given to the cardholder.

24 Q We can move on to page four. Can you describe each of
25 the identification documents presented on page four?

Rivera - direct - Nguyen

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1 A Starting with the top left is a New York City
2 identification card with the name Firdavs Giyasov. To the
3 bottom left is a California driver's license with the name
4 Firdavs Giyasov.

5 Q Before we move on, is the California driver's license,
6 does it include an address in Tarzana, California?

7 A 6150 Receda Boulevard, Apartment 103, Tarzana,
8 California, 91325.

9 Q Sorry, please continue.

10 A To the bottom right is a New Jersey auto driver's license
11 issued to Firdavs Giyasov with an address of 45 Bayberry Court
12 Eatontown, New Jersey, 07724. Finally, at the upper,
13 right-hand corner is a Bank of America temporary business
14 debit card.

15 Q What is embossed on the bottom, left of that business
16 debit card?

17 A Embossed is the words: Small business value customer.

18 Q We can scroll through page five and page six. What are
19 these documents on page six?

20 A Another set of cards that are personal identifying
21 information. The top left appears to be a --

22 Q We can zoom in.

23 A Yes. The top left appears to be a health benefit plan
24 card from Fidelis Care issued to Firdavs Giyasov. Underneath
25 that is a social security card issued to Firdavs Giyasov.

Rivera - direct - Nguyen

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1 Underneath on the bottom left is a Bank of America debit card.

2 Q Can you see the name embossed on this Bank of America
3 debit card?

4 A Yes. The name embossed on that Bank of America card is
5 Firdavs Giyasov. Then to the upper, right-hand corner is a
6 New York state learner's permit issued to Firdavs Giyasov with
7 the address 2775 East 12th Street, 621, Brooklyn, New York
8 11235. Finally, a United States of America permanent resident
9 ID card issued to Firdavs Giyasov with his photo as well.

10 Q We can zoom out and move on to page seven, page eight,
11 what does page eight show?

12 A Page eight shows what appears to be money from -- I'm not
13 sure -- is that Uzbekistan money?

14 Q Would you be able to say that looks like foreign
15 currency?

16 A Foreign currency, yes.

17 Q If we can zoom in on the upper, left you may be able to
18 make out information about the currency?

19 A Yes. According to what is on the document or the
20 currency: O'zbekiston Respublikasi.

21 Q We can zoom out, go to page nine, page ten, and page 11.

22 MS. NGUYEN: I have no further questions for you,
23 Mr. Rivera. Thank you.

24 THE COURT: Any cross?

25 MR. GUADAGNINO: A few items, your Honor.

Rivera - cross - Guadagnino

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1 THE COURT: Okay.

2 CROSS-EXAMINATION

3 BY MR. GUADAGNINO:

4 Q Detective Rivera, good afternoon.

5 A Good afternoon.

6 Q You just testified that there was a wallet that was
7 found, do you remember that?

8 A Yes.

9 Q The wallet belonged to Mr. Firdavs Giyasov?

10 A That's correct.

11 Q You just said that the agent met with Mr. Giyasov to
12 return it to him, correct?

13 A That's correct.

14 Q And obviously the FBI spoke to him?

15 A I'm not sure. I wasn't there for that.

16 Q Were you there for any of the interviews with
17 Mr. Giyasov?

18 A Yes, I was actually.

19 Q Okay, which one?

20 A There was an interview that was conducted shortly after
21 an incident happened with Mr. Giyasov.

22 Q You were there for that?

23 A Not for the incident, but I was there for the follow-up
24 interview with the FBI translator and case agent.

25 Q So you had an opportunity to speak to him, correct?

Rivera - cross - Guadagnino

1264

1 A Well, I don't think he spoke English, but I did see him.
2 I was there to back up the case agent. I got an opportunity
3 to talk to him.

4 Q Do you recall the date again?

5 A After the incident he had in the street in Brooklyn.

6 Q Okay. So you had met with him. Did you meet with him
7 any other time?

8 A No.

9 Q Just one time?

10 A Personally face-to-face one time.

11 Q During an interview.

12 A Yes.

13 Q But that wasn't the time that the wallet was returned to
14 him, that was after?

15 A That was the -- the wallet was returned after the search
16 warrant, the arrest and search warrant was executed.

17 Q Do you know how soon after the wallet was returned to him
18 you had that interview with him where you were present -- not
19 you had the opportunity, the agent did, but you were present
20 there, right?

21 A Not for the interview, for the returned wallet. When I
22 met with him and the agent, it was after he had the incident
23 with someone in the street. The agent wanted to do a
24 follow-up interview to talk to him. And this was before the
25 arrest of Mr. Akmal.

Rivera - cross - Guadagnino

1265

1 Q So this was sometime in early April of 2019?

2 A I believe that the incident with Mr. Giyasov, and whoever
3 was associated to your client, happened sometime in late
4 March. And then a few days later, the FBI went out to talk to
5 him and I was present for that interview.

6 Q Okay. And then later on you said that you were
7 participating in a search and the wallet was found?

8 A Correct.

9 Q And then later on, the wallet was returned to him,
10 correct?

11 A To my knowledge, yes, the wallet was returned to him.

12 Q Then later on you know there were other interviews of
13 Mr. Giyasov -- or you don't know?

14 A I don't know that.

15 Q Because you didn't participate in any more interviews?

16 A No, I wasn't the primary on it.

17 Q You weren't the primary investigator in this case,
18 correct?

19 A Correct.

20 Q You testified and you were shown that there was some
21 document that was recovered in the apartment, correct?

22 A Yes.

23 Q That document apparently had Mr. Giyasov's signature on
24 it, correct?

25 A Yes.

Rivera - cross - Guadagnino

1266

1 Q Let me ask you a question, there was a notary public that
2 signed that document. Do you remember that?

3 A If you bring it up I can probably tell you.

4 MR. GUADAGNINO: Can we see the document, please?
5 What's the exhibit number?

6 MS. NGUYEN: Of part of 304.

7 BY MR. GUADAGNINO:

8 Q Can you see the document that I'm referring to?

9 A Yes.

10 Q The document has a notary public State of New York stamp
11 on it, doesn't it?

12 A Yes, it does.

13 Q And I believe the name is Nodirijon Kirgizbaev, am I
14 right about that?

15 A Sounds good to me.

16 Q Qualified in Rockland County, correct?

17 A That's correct.

18 Q Expiration 12/19/2020; is that right?

19 A That's correct.

20 Q Did you speak to that person?

21 A No.

22 Q Do you know if anybody did in this case?

23 A I have no idea.

24 Q Now, I want to ask you a question, you had said that when
25 you arrived at the scene or at the location where

Rivera - cross - Guadagnino

1267

1 Mr. Narzikulov was arrested you had spoken to a case agent
2 about hearing the clicking sounds of a gun?

3 A Not the case agent, but the field team leader.

4 Q They had mentioned to you, I believe you testified as to
5 what that person told you, correct?

6 A Correct.

7 Q And repeat that again, please, what they told you about
8 the clicking noise?

9 MS. NGUYEN: Objection.

10 THE COURT: Overruled.

11 Q Go ahead.

12 A What I was told was we're going to wait and because they
13 heard a clicking sound at the door. Once they said FBI, there
14 was a clicking sound, and it sounded remotely close to
15 preparation of a firearm.

16 Q Okay, now let's talk about that. That was before a
17 search warrant was gotten in this case, correct?

18 A Correct.

19 Q So based on that clicking sound, you called Emergency
20 Services Unit?

21 A I didn't call.

22 Q Well, the team called the Emergency Service?

23 A They made me aware that the Emergency Services, or ESU,
24 was en route.

25 Q Let's go over the sequence of how this went down.

Rivera - cross - Guadagnino

1268

1 Emergency Services made a break through, meaning
2 they got in, correct?

3 A Correct.

4 Q And the police were already inside the apartment, right,
5 they got into the apartment?

6 A Yes.

7 Q After they were in, they got a search warrant to search?

8 A Correct.

9 Q So the police just didn't break in and start searching,
10 they had to get a warrant, right?

11 A I believe.

12 Q When they broke in, there was no gun out?

13 A I don't believe there was.

14 Q Right. In fact, the gun that was recovered in this case
15 was found in a closet, right?

16 A I believe so.

17 Q It was inside of a box, right?

18 A I believe so.

19 Q And there was no bullets in it?

20 A There were bullets on the floor.

21 Q I'm talking about inside the gun.

22 A Correct.

23 Q As a police officer you know that you would charge a gun
24 to lodge a bullet in the barrel, right?

25 A Yes.

Rivera - cross - Guadagnino

1269

1 Q Because this is a pistol, it's not a resolver.

2 A Uh-huh.

3 Q You wouldn't have to do that with a revolver, right?

4 A I'm not sure.

5 Q You can't charge a revolver, can you?

6 A If the revolver is used in the commission of a crime you
7 can.

8 Q No, no not charge a crime. I'm talking about --

9 THE COURT: Charge, make ready to fire.

10 Q Make ready to fire. Thank you, your Honor.

11 A What was the question?

12 Q You're familiar --

13 THE COURT: An automatic weapon or semi-automatic
14 weapon has to be charged by wracking the slide. A revolver
15 doesn't have to be charged.

16 THE WITNESS: That's correct.

17 Q Yes. Exactly.

18 A Thank you.

19 Q And we can agree that this was a pistol that was recovered
20 not a revolver, right?

21 A Correct.

22 Q You would put a bullet in the chamber of a pistol, like
23 the one that was recovered, by charging it, correct?

24 A Correct.

25 Q My question is, when you found the pistol -- you didn't

Rivera - cross - Guadagnino

1270

1 find the pistol.

2 A I didn't find the pistol.

3 Q Detective Jaworski.

4 A Yes.

5 Q You're familiar with Detective Jaworski?

6 A Yes.

7 Q You met him at the scene?

8 A Yes.

9 Q He showed you the pistol that he recovered, right?

10 A I don't recall.

11 Q Did you see it in person?

12 A I think I saw it, yes.

13 Q When you saw it, you saw it in the box, right?

14 A Yes.

15 Q And when you saw it, you stated that there was no
16 bullets. It was unloaded, right, it was unloaded?

17 A I said I saw bullets on the floor. I didn't say it was
18 unloaded.

19 Q Did you see the gun loaded or unloaded?

20 A I saw the gun in the box.

21 Q Did you check the gun to see if was loaded or unloaded?

22 A I don't recall if I checked it to make it safe.

23 Q You didn't make it safe.

24 A No.

25 Q Some other detective did.

Rivera - cross - Guadagnino

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1 A Correct.

2 Q So you won't know.

3 A Correct.

4 Q You did see the gun in the box, it was in a kit, like
5 when you buy a gun brand new, right, in the Styrofoam,
6 correct?

7 A Right.

8 Q There were no magazines in the gun, do you remember that?

9 A I don't remember for sure.

10 (Continued on next page.)

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Rivera - Cross - Guadagnino

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1 CROSS-EXAMINATION

2 BY MR. GUADAGNINO: (Continuing.)

3 Q Do you remember that?

4 A I don't remember for sure.

5 Q Okay. Well, you didn't see the gun in a position like it
6 was cocked backwards, did you? You just saw it in a normal
7 state?

8 A Correct.

9 Q Right. Now, you also testified with respect to some
10 documents that were shown in -- that relate to a gun purchase
11 in Pennsylvania; is that right?

12 A Yeah.

13 Q And you worked with the New York City Police Department
14 as an Internal Affairs officer, correct?

15 A That's correct.

16 Q You're a detective?

17 A Yes.

18 Q Okay. And before you became a detective, you were a
19 patrol officer?

20 A That's correct.

21 Q And you dealt a lot with gun crimes in the past, right?

22 A Well, I was assigned in the Transit Bureau, we didn't get
23 a lot of gun crimes, but I came across a few.

24 Q Is it your experience that a lot of the gun crimes that
25 you came across involved guns that were illegal, stolen with

Rivera - Cross - Guadagnino

1273

1 like serial numbers like scratched off?

2 A You had a combination of either illegal or legal that
3 were in the possession of people, but it depends on what was
4 happening at the time.

5 Q Right. It all depended on the circumstances, right.

6 Now, you saw that there was paperwork in this case
7 relating to the purchase of a gun in Philadelphia, right?

8 A Yes.

9 Q And there was paperwork that was filled out to purchase
10 this gun?

11 A Yes.

12 Q It was purchased at Delia's Gun Shop in Torresdale Avenue
13 in Pennsylvania, right?

14 A Right, in Philly.

15 Q In Philadelphia, right?

16 A Mm-hm.

17 Q And the gun had to have a State Police -- a Pennsylvania
18 State Police check to make sure that the person purchasing the
19 firearm could actually purchase it, correct?

20 A Correct.

21 Q The State Police check has to check the person's
22 identification, correct?

23 A Yes.

24 Q And that would also involve the person's social security
25 number, correct?

Rivera - Cross - Guadagnino

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1 A Yeah.

2 Q Now, in this case you testified that you found
3 identification belonging to a Zulaykho, is that correct? A
4 female. Do you recall that?

5 A The --

6 Q Zulaykho?

7 A Yeah, if you could bring that back up again? That was
8 the --

9 Q Kurbanova. Kurbanova, right, the identification?

10 A Yeah.

11 Q Right?

12 A Yeah.

13 Q Okay. So this person, Zulaykho Kurbanova, gave her
14 social security number to Delia's Gun Shop?

15 A There is a social security number indicated on there.

16 Q And that would be to do a Pennsylvania State Police
17 background check, correct?

18 A Yes.

19 Q And once the Pennsylvania State Police background check
20 is done, if the person had a criminal record or if the person
21 was not authorized to purchase the gun, they would reject the
22 purchase?

23 A Correct.

24 Q And in this case the purchase was not rejected?

25 A It appears not because she got an approval code.

Rivera - Cross - Guadagnino

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1 Q Right. Now, it's not just based on I.D., isn't it? It's
2 also based on social security?

3 A I'm not sure what their policy is up there.

4 Q Okay. So, but in any event, you agree that this weapon
5 that you recovered or that Officer -- Detective Jaworski
6 recovered was legally purchased in Pennsylvania?

7 A It appears so, yeah.

8 Q Okay. So at that point the gun was recovered and then it
9 was taken away by Jaworski, Detective Jaworski, correct?

10 A I believe they invoiced it, yeah, but it wasn't
11 immediately taken away.

12 Q Well, it was sent away to the NYPD to voucher, correct?

13 A Correct.

14 Q Now, you also testified that you had reviewed some Chase
15 bank records, correct?

16 A Yes.

17 Q Okay. And those Chase bank records were in relationship
18 to a Murodjon Sultanov, correct?

19 You remember the bank records?

20 A I remember the bank records.

21 Q Okay. You just reviewed those records that were
22 recovered in evidence, but you didn't do any investigation on
23 what those records were in reference to, correct?

24 A That's correct.

25 Q You testified today in court based on evidence that was

Rivera - Cross - Guadagnino

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1 recovered, but you actually didn't do any investigation with
2 respect to that evidence, correct?

3 A Correct.

4 Q You're just identifying certain things that the
5 government pointed out to you and you're corroborating that,
6 correct?

7 A That's correct.

8 Q But you didn't verify any of that information, correct?

9 A No.

10 Q And you didn't investigate -- for example, there was some
11 purchases made by Mr. Firdavs Giyasov of some McDonald's,
12 correct?

13 A Mm-hm.

14 Q Did you ask him why he bought McDonald's?

15 A No.

16 Q So you didn't know why those purchases were made,
17 correct?

18 A No. It just appears that he likes McDonald's.

19 Q And the other thing is there were some purchases -- one
20 of the purchases I think had to do with something in London
21 and -- you remember that or no?

22 A Yeah. That's right before the Hudson News thing.

23 Q Right. What was that about, if you know?

24 A No idea.

25 Q Okay. But you were able to just identify, oh, he bought

Rivera - Cross - Guadagnino

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1 something in London or something having to do with London,
2 correct?

3 A According to what's printed on the bank record, yeah.

4 Q Right. But you didn't go deeper than that?

5 A No, I didn't go canvassing video or anything like that.

6 Q What about the Hudson News purchase? Do we know what
7 that's about or no?

8 A No idea.

9 Q Okay. Now, you had testified before that you had
10 recovered -- I believe in the apartment there was some
11 identification cards or driver's licenses?

12 If I can have a moment here to find the reference.

13 It appeared to be some identification cards that
14 belonged to some people in connection with Pennsylvania
15 applications for commercial driver's licenses. Do you recall
16 that, that you testified to, or no?

17 A The driver's license was referring to Mr. Giyasov.

18 Q Mr. Giyasov?

19 A Yeah.

20 Q Is that the one that's up on the screen?

21 A No. This is Jasur Sobirov.

22 Q Yes. Jasur Sobirov, right?

23 A Yes. Those are the applications.

24 Q And where did they come from?

25 A The CDL applications?

Rivera - Cross - Guadagnino

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1 Q Yes.

2 A Pennsylvania DOT.

3 Q Did you recover those in the apartment?

4 A There were a lot of documents that were recovered.

5 Q Do you know if these were recovered in the apartment?

6 A I don't know if that was in the room I had, which is
7 either Room B or Room F.

8 Q Well, do you know if these documents were actually
9 recovered from the apartment or not?

10 A I don't know for sure.

11 Q But you did recover some identification cards associated
12 with those documents, correct?

13 A Yes.

14 Q Okay. And those were recovered from the apartment?

15 A Yeah.

16 Q But you don't know if those people had borrowed money
17 from Mr. Narzikulov; is that right?

18 A I don't know for sure.

19 Q You don't know what relationship to Mr. Narzikulov, if
20 any, those documents had; in other words, the identification
21 documents?

22 A Correct.

23 MR. GUADAGNINO: Thank you. I have no further
24 questions.

25 THE COURT: Any redirect?

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1 MS. NGUYEN: Yes, Your Honor. And there's something
2 I would like to address with the Court. Perhaps we could take
3 our lunch break?

4 THE COURT: Okay. Let's go to lunch, ladies and
5 gentlemen. Your lunch is waiting for you next door. Remember
6 not to talk about the case amongst yourselves or with anyone
7 else. We'll see you at, say, 2:00, a little early today.

8 (Jury exits the courtroom.)

9 THE COURT: Okay. Let's have the witness excused.
10 You may sit down.

11 (Witness exits the courtroom.)

12 THE COURT: Okay.

13 MS. NGUYEN: Your Honor, as you're aware, the felon
14 in possession count in this case was severed, for good reason,
15 by Judge Glasser.

16 The government's view now is that there was a lot of
17 cross-examination of this witness about whether the firearm
18 was legally purchased. The government's theory of this case
19 is that Ms. Kurbanova was a straw purchaser. So she did
20 provide accurate doc -- well, she provided documentation and
21 got approved, but the government's view is that the evidence
22 supports she was a straw purchaser, obtained a Pennsylvania
23 address when she resided in Brooklyn and purchased this
24 firearm for the defendant, who has a prior felony conviction.
25 The jury is now left with the impression that there was

1 nothing problematic with this purchase. And the government's
2 view is that this purchase was particularly and specifically
3 made with the documentation of the mother because she would be
4 able to pass that background check, whereas the defendant
5 would not. And I believe that the cross-examination of this
6 witness has opened the door to the straw purchasing scenario.

7 THE COURT: Does that purchase only relate to the
8 severed count?

9 MS. NGUYEN: The purchase itself I think relates to
10 the fact that the gun is possessed, but the reason the felon
11 in -- and used in the extortion count.

12 THE COURT: I mean, that is what is before us. Even
13 if it was a legitimate gun, right, it does not affect the
14 nonsevered charge of using a gun in connection with what we
15 are trying, right?

16 MS. NGUYEN: I agree, Your Honor.

17 THE COURT: So what if the jury does say, okay,
18 well, the mother bought it, but what is the difference, we
19 have to find whether or not he was the one that used it?

20 MS. NGUYEN: Well, given that -- based on the
21 cross-examination, we believe that the defendant's argument is
22 going to be that it was not his gun, it was only intended to
23 be used by his mom, his DNA perhaps got on there through some
24 other means, whereas our theory is that it was always meant to
25 be his gun and the mother was a straw purchaser. So in that

1 regard, his connection to the gun is greater and his
2 likelihood of using it for the extortion attempt is greater if
3 we can establish it was always intended to be purchased and
4 used by him.

5 MR. GUADAGNINO: How do I cross-examine the fact
6 that the government introduced the purchase of the weapon from
7 Delia's in Philadelphia with the mother if it's in evidence
8 and I have to address that? I mean, that would -- they can
9 easily establish that in another trial the way Judge Glasser
10 severed the case, but that -- I agree with the Court, that
11 doesn't detract from the fact that there was a gun available
12 to the defendant and the theory is that he used a gun in a
13 Hobbs Act extortion and that there was one available to him.
14 It doesn't help to bring out that he had a prior conviction.
15 What does that have to do with the charge? The charge is
16 there and there's evidence.

17 THE COURT: If the jury believes -- if it finds
18 based on the evidence it has heard so far that he used that
19 gun in connection with the crime, it does not matter whose gun
20 it was or how it got there or whether it was legitimate or
21 not, right? I mean, maybe the defense did that because it
22 makes him look like a little bit less of a bad guy if it was
23 the mother's gun, but -- I mean, I do not mind you arguing to
24 the jury look at the mother, was this her gun? Okay? I do
25 not mind you arguing that, but I do not think you want to

1 argue that because you do not want to take that burden on
2 yourself. It does not matter if it was the mother's gun, it
3 seems to me. The question is, did he use it? Was the DNA on
4 it his? And I would leave it to the defense to say, well, if
5 you find the DNA on it was his, maybe he was just holding it
6 one day for his mother. You know, if you are suggesting that
7 the defendant has forced a reconnection of the severed count,
8 I do not see why because the jury is not going to determine
9 the felon in possession count now. It does not have to do
10 that in order to reach a verdict on the evidence here. So I
11 would not worry about it if I were you.

12 MS. NGUYEN: Can the government -- the government
13 would like to inquire of this witness if he is familiar with
14 the term "straw buyer" and if there might be reasons for a
15 person to purchase a gun even though -- on behalf of another
16 person.

17 THE COURT: Like I said, I will let you make that
18 argument to the jury. And I suppose to set up that argument
19 you can ask him if he is familiar with the term "straw buyer."
20 The last thing you suggested, can he start giving opinions on
21 whether this is a straw buyer, no, I am not going to do that.

22 MS. NGUYEN: Yes, I would just ask if he knows what
23 a straw buyer is.

24 THE COURT: That's right. And then you can make
25 that argument. And if the defense wants to argue it is the

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1 mother's gun, the jury can decide that.

2 MS. NGUYEN: And since we're having this colloquy, I
3 would like to also ask of this witness if he is familiar if
4 there are different penalties under New York Law for having a
5 loaded firearm versus an unloaded firearm. I don't think that
6 impinges on the felon in possession count, but I wanted to
7 point it out.

8 MR. GUADAGNINO: Does that have any bearing on the
9 charges?

10 THE COURT: Right. What does it matter?

11 MS. NGUYEN: Based on the cross-examination, I
12 believe it appears that the argument is going to be that the
13 defendant unloaded the firearm rather than trying to charge
14 the firearm before he was arrested. And the government's
15 theory is that someone who didn't want to get in more trouble
16 would unload a firearm in their home so that when it was
17 possessed, it wouldn't be loaded.

18 MR. GUADAGNINO: I believe -- if I can address that?

19 I think that what I'm trying to establish is the
20 government has witnesses that are trying to testify as to
21 hearing a charging noise and is that a credible statement
22 based on the state of the gun when it was found in the crime.

23 THE COURT: That is what I thought you were going
24 for. He said a clicking, you know, it did not sound as much
25 as a racking. But I think he is just going for credibility of

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1 the prior witness who testified "I heard a noise that caused
2 us to come in immediately because we thought it was a gun
3 being cocked," essentially.

4 MR. GUADAGNINO: Yes.

5 THE COURT: If he does that, then I do not think you
6 have a problem.

7 I mean, look, if it goes beyond any of the things we
8 have just discussed in the defendant's closing, not only do
9 you get a rebuttal, but I will reopen the record and take
10 additional testimony if I need to. But I think you are
11 worried about a place the defendant is not going to go.

12 MS. NGUYEN: Very well.

13 THE COURT: Okay. This has kind of messed up our
14 plans about today. We will come back at 2, but I am not sure
15 we will be able to do our charging conference today.

16 MR. GUADAGNINO: That's fine, Your Honor.

17 THE COURT: All right. Maybe we will come back a
18 little early on Monday, like 9:15 or so.

19 MR. GUADAGNINO: Tuesday.

20 THE COURT: Tuesday, and start the charging
21 conference then. And have the jury come in at, say, 10:30 for
22 closing arguments and final charge. I think that is probably
23 the way to do it.

24 MR. GUADAGNINO: I think the government -- I don't
25 believe -- are you planning on resting on the record today?

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1 THE COURT: You are, right?

2 MS. NGUYEN: We do.

3 Although we did have a conversation with counsel
4 about a potential motion he might be making.

5 MR. GUADAGNINO: That's why I'm bringing that up
6 right now.

7 Okay. So the government had informed me prior to us
8 picking a jury, the voir dire, that they did not intend to
9 call Firdavs Giyasov, who in my view is a material witness
10 based on the fact that he was kidnapped. And the defendant's
11 charged with conspiracy to kidnap, kidnapping, et cetera, and
12 extortion, the Hobbs Act extortion. So it's my view that I
13 would like to ask the Court if they do not call him for a
14 missing witness charge because -- I understand the law and
15 that the government is saying that he's available to both
16 parties, however, I have made efforts through an investigator
17 to try to contact this person.

18 I know he's represented now by counsel, by John
19 Kaley. I did reach out to Mr. Kaley on Monday, and he will
20 not allow me to speak to his client, he won't allow my
21 investigator to speak to his client. There's a lot of
22 evidence that the government has spoken to this witness
23 through FBI 302s throughout the entire course of the pendency
24 of this matter, up until trial. I know that he was given a
25 subpoena to come back from Uzbekistan; he flew into the

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1 United States. When I spoke to Mr. Kaley about why his
2 client's not testifying, his answer to me was that I guess he
3 came too late, the week before jury selection, and he wasn't
4 able to be prepped. But I also understand that the government
5 has trepidations of calling him based on inconsistencies
6 having to do with information he gave on the 302 or in the 302
7 about not taking a bribe, he left on his own accord, so they'd
8 be in a weird position to put him on the stand. He would give
9 -- perjury, he would perjure himself. And I understand the
10 government's concern that they don't want to call someone who
11 is going to commit perjury.

12 I don't know how to reconcile all of that, but --

13 THE COURT: First of all, is he under a cooperation
14 agreement?

15 MS. NGUYEN: No, Your Honor.

16 THE COURT: Okay. So, you know, I will be glad to
17 hear from Mr. Kaley, but if Mr. Kaley says he would invoke the
18 Fifth, which I think he would, right, then what are you going
19 to do about that?

20 MR. GUADAGNINO: I can't do anything about it. It's
21 his right to invoke the Fifth.

22 THE COURT: I am going to ask the government to call
23 Mr. Kaley and see if that witness is willing to testify. If
24 he is, we will hear him on Tuesday, if the defense wants to
25 call him.

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1 Are you sure you want to call him?

2 MR. GUADAGNINO: No, I don't want --

3 THE COURT: You want the missing witness --

4 MR. GUADAGNINO: I'll be honest, I want a missing
5 witness charge.

6 THE COURT: Okay.

7 MR. GUADAGNINO: And if I can't get that, at the
8 minimum I'd like to argue it on summation without the charge.

9 THE COURT: I get it.

10 MR. GUADAGNINO: If that's possible.

11 THE COURT: Now, arguing it on summation is
12 something different than getting the charge. I mean, you
13 know, your argument is one thing, my adopting it is something
14 else.

15 I would like briefing over the weekend on whether a
16 missing witness charge is appropriate.

17 But I take it that you do not want me to put the
18 government through the trouble of calling him in here?

19 MR. GUADAGNINO: No, not at all, Your Honor. I'll
20 take the argument on summation over the missing witness charge
21 any given day.

22 THE COURT: Okay. So let's do this. Give me a
23 brief over the weekend on the missing witness charge. Look at
24 it from two perspectives. Number one -- unless the government
25 does not mind the defense arguing that -- if the government

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1 does mind, brief whether the defense should be allowed to
2 argue that in closing. And then, secondarily, or maybe this
3 comes first, should I be giving them a missing witness
4 instruction.

5 MR. GUADAGNINO: Can I say one more thing?

6 THE COURT: Sure.

7 MR. GUADAGNINO: The other issue is there's an
8 impression that Mr. Firdavs Giyasov is in the wind in another
9 country, thus giving credence to this he-got-paid-off
10 argument. So the government knows that he's here. He's in
11 the United States. We know that he's in the United States. I
12 think we should have a stipulation that he's here so that that
13 impression doesn't continue because I find myself in a
14 situation where reality doesn't comport with, you know, what
15 is out there right now in the jury's mind.

16 THE COURT: What do you think about that, about a
17 stipulation? He's here. He's equally available to both
18 sides.

19 MR. GUADAGNINO: I'll go with that and just the
20 argument on summation.

21 MS. NGUYEN: Could we just have a little opportunity
22 to think that over? We do agree here that the fact is he's in
23 the United States.

24 THE COURT: Yes. Yes, I know that is the fact.

25 And I appreciate counsel's sensitivity to thinking

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1 the jury might be straying off into an area of, oh, he's in
2 the wind and, who knows, he's in the wind because of this
3 defendant, and that is really not what is going on from a
4 real-world perspective. So see what you can work out to
5 disabuse the jury of any rabbit hole it might go down in that
6 way.

7 MS. NGUYEN: And, Your Honor, the one other thing I
8 ask is, in light of this potential missing witness charge -- I
9 don't anticipate that we ever want to call Mr. Giyasov, but we
10 would like to understand a little bit, since he is available,
11 what -- if we were to get a missing witness charge, if that
12 might affect our view on calling him, so we would like to
13 discuss that with Mr. Kaley as well.

14 MR. GUADAGNINO: I'll be more than happy to withdraw
15 the application for missing witness charge if I can argue this
16 on summation.

17 THE COURT: I do appreciate your honesty.

18 MR. GUADAGNINO: And we can do a stipulation and
19 that's it.

20 THE COURT: You see where he is coming from?

21 MS. NGUYEN: Yes.

22 THE COURT: So, yes that is fine.

23 I suspect that if you speak to Mr. Kaley and he
24 tells you his client is willing to come to court and to
25 testify and you take the position fine, we are going to call

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1 him before we rest or I am going to reopen the case if you
2 rest today, then Counsel will likely withdraw his missing
3 witness charge request.

4 MS. NGUYEN: Right.

5 THE COURT: You do not have to commit to that, but I
6 think it is --

7 MR. GUADAGNINO: No, that's exactly what I'll do.
8 I'll tell you right now, I don't need it.

9 MS. NGUYEN: The only reason I raise that is if we
10 were to rest on the record, we didn't want to be precluded
11 from that possibility.

12 THE COURT: No, I understand. You certainly have
13 that.

14 And I will also tell you it might well influence me
15 about the missing witness charge if I get a proffer from the
16 government that you have spoken to Mr. Kaley and he will not
17 testify under the circumstances because then you do not get a
18 missing witness charge because you would not get anything from
19 the witness if he were here.

20 MR. GUADAGNINO: Right. Exactly.

21 THE COURT: So I think you should call Mr. Kaley and
22 find out what the story is.

23 MS. NGUYEN: Thank you, Judge.

24 THE COURT: Okay. See you --

25 MS. NGUYEN: Oh, sorry, with regards to Mr. Rivera's

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1 continued testimony, I would like permission to speak with him
2 about my questions so he doesn't inadvertently mention people
3 previously who are previously convicted.

4 MR. GUADAGNINO: No objection, Judge.

5 THE COURT: Okay, we can do that.

6 MS. NGUYEN: Thank you.

7 THE COURT: All right. Thank you, all. See you at
8 2:00.

9 MR. GUADAGNINO: Thank you, Your Honor.

10 MR. BUFORD: Thank you, Your Honor.

11 (Luncheon recess was taken.)

12

13 (Continuing on the following page.)

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1 **AFTERNOON SESSION**

2 (In open court - jury not present.)

3 (Defendant entered the courtroom.)

4 THE COURTROOM DEPUTY: All rise.

5 (Judge BRIAN M. COGAN entered the courtroom.)

6 THE COURT: All right, let's have the jury, please,
7 and the witness.

8 (Witness entered and resumed the stand.)

9 (Jury enters.)

10 THE COURT: All right, everyone be seated.

11 Anymore redirect?

12 MS. NGUYEN: Yes, Your Honor, thank you.

14 (Continued on the following page.)

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Rivera - redirect - Nguyen

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1 DAVID RIVERA,

2 called as a witness by the Government, having been
3 previously duly sworn/affirmed by the Courtroom Deputy,
4 was examined and testified further as follows:

5 DIRECT EXAMINATION

6 BY MS. NGUYEN:

7 Q Are you familiar with the term straw buyer in the context
8 of gun purchases?

9 A Yes.

10 Q Can you tell us what that means?

11 A So, a straw buyer, basically, means that one person or in
12 this case, a straw gun purchase, one person purchases a
13 firearm on behalf of another person who, for some reason, is
14 unable to make the purchase themselves.

15 Q And the paper work would include the name of the person
16 agreeing to make the purchase, is that right?

17 A That's correct.

18 Q And if someone were to find a firearm and look it up by,
19 let's say, serial number, would they -- they would have the
20 information given on the paper work for that -- for that
21 purpose, is that right?

22 A That's correct.

23 MS. NGUYEN: I have no further questions for this
24 witness.

25 All right, anything else?

Rivera - redirect - Nguyen

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1 MR. GUADAGNINO: No, Your Honor. Thank you.

2 THE COURT: All right, you may step down. Thank
3 you.

4 THE WITNESS: Thank you.

5 (Witness steps down and exits the courtroom.)

6 THE COURT: Any further evidence from the
7 Government?

8 MS. NGUYEN: No, Your Honor, the Government rests.

9 THE COURT: Ladies and gentlemen, I hope you got
10 comfortable sitting here because we need to excuse you again
11 for just a few minutes, and then we'll have you back and we'll
12 let you know where we're going to go with the case from here
13 since the Government has rested.

14 We'll have you back, I'd say, in 5, 10 minutes at
15 most.

16 So, please bear with us. And, please, don't talk
17 about the case.

18 (Jury exits.)

19 THE COURT: All right be seated. I guess I'll hear
20 from the defense.

21 MR. GUADAGNINO: Your Honor, at this time, under
22 Federal Rule of Criminal Procedure, Rule 29, subsection A, the
23 defense makes a motion for a judgment of acquittal based upon
24 the Government's failure to establish a prima facia case with
25 respect to the counts before the Court.

Rivera - redirect - Nguyen

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1 THE COURT: All right.

2 Any response from the Government?

3 MR. BUFORD: Your Honor, we believe the evidence
4 presented so far is certainly sufficient to go to the jury on
5 all of the eight counts in the trial.

6 I am happy to go through them count by count if the
7 Court would like.

8 THE COURT: No, I don't think that's necessary.

9 I agree. I think the evidence makes out a prima
10 facia case. The jury could reasonably find, if it resolves
11 factual disputes in the Government's favor, that there is
12 guilt beyond a reasonable doubt as to each of the eight counts
13 that we are trying here.

14 I will also note that with respect to certain
15 co-conspirator statements that I admitted, I think I have
16 already found, but just for the sake of good order I will make
17 it clear, that the Government has, indeed, offered enough
18 evidence to show the existence of the conspiracy if the jury
19 chooses to so find; and that the statements were admitted were
20 mate in furtherance of and during the conspiracy.

21 Okay, so, next, does the defendant intend to call
22 any witnesses in his case?

23 MR. GUADAGNINO: Your Honor, may I have 30 seconds?

24 THE COURT: Sure.

25 MR. GUADAGNINO: Thank you.

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1 (Pause.)

2 MR. GUADAGNINO: Your Honor, the defense is not
3 going to call any witnesses. And I'd ask the Court to inquire
4 of the defendant with respect to his decision not to testify,
5 that it would be a knowing, voluntary waiver of his right to
6 testify at trial.

7 THE COURT: Okay, I will do that.

8 Let me ask you first, have you conferred with the
9 defendant about his right to testify?

10 MR. GUADAGNINO: I have, Your Honor, and I've
11 counseled him that he has every right to testify at the trial
12 and that that right is his right, no matter what my advice is
13 to him the right is his and he has to make a decision that is
14 informed.

15 THE COURT: All right.

16 Mr. Narzikulov -- we have an interpreter, right?

17 THE INTERPRETER: Yes.

18 MR. GUADAGNINO: Do you want him to stand?

19 THE COURT: No, he can sit, it's fine.

20 Mr. Narzikulov, I just want to make sure you
21 understand that although your attorney has told me that you
22 have elected not to testify at this trial, that is your
23 decision, not his. All right?

24 He is going to give you his best advice as to
25 whether you should testify or not, but, ultimately, it is your

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1 decision.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you understand that if you decide
5 not to testify, you are not going to be able to complain later
6 that: Oh, my attorney wouldn't let me testify, because I am
7 telling you it is up to you?

8 Do you understand?

9 THE DEFENDANT: Yes.

10 THE COURT: And do you understand that even if your
11 attorney advised you not to testify, if you wanted to testify,
12 he would put you on the stand and he would ask you any
13 questions you thought he should ask you?

14 Do you understand he would do that if you wanted him
15 to?

16 THE DEFENDANT: Understand.

17 THE COURT: All right, what is your decision, do you
18 want to testify during your case or not?

19 THE DEFENDANT: I do not wish to testify.

20 THE COURT: All right. I find that the defendant is
21 making that decision knowingly and voluntarily, having been
22 advised of his rights, both by his lawyer and the Court, to
23 testify if he wanted to.

24 All right, let's have the jury back in. I will
25 close the record. I will ask the defense if they intend to

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1 proceed, and then we will let the jury go for the weekend.

2 MR. GUADAGNINO: Thank you, Your Honor.

3 MS. NGUYEN: Can I do housekeeping?

4 THE COURT: Sure.

5 MS. NGUYEN: There's two issues the Government would
6 like to clarify for the record.

7 The first is something that I misstated when I
8 referred to the Verizon records as sub-exhibits 258.1 to
9 258.16. I meant to include also a 258.17, which was the
10 certification that was read.

11 THE COURT: Any objection to amending the record?

12 MR. GUADAGNINO: No objection, Your Honor.

13 MS. NGUYEN: And the second housekeeping issue is
14 when Mr. Guadagnino was cross-examination Agent Galicia there
15 was a photograph of gun holsters.

16 I believe the record may indicate that that came
17 from Exhibit 401, but it, in fact, came from Exhibit 309.

18 THE COURT: All right, any problem?

19 MR. GUADAGNINO: No objection, Your Honor.

20 THE COURT: Okay, the record is so amended.

21 (Government's Exhibit 258.17 was received in
22 evidence.)

23 MS. NGUYEN: Thank you.

24 THE COURT: Okay.

25 (Jury enters.)

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1 THE COURT: All right, everyone be seated.

2 The Government having rested its case, how would the
3 defense like to proceed?

4 MR. GUADAGNINO: Your Honor, the defense will now
5 rest as well.

6 THE COURT: All right, both sides having rested.

7 Ladies and gentlemen, that completes the evidence in
8 the case.

9 Now, let me tell you how we are going to proceed.

10 We are going to give you a long holiday weekend, as
11 I suggested. We are going to send you home now. We will have
12 you back here Tuesday morning at 10:30 a.m. because I have to
13 do some things with the lawyers first on Tuesday morning.

14 When you come back on Tuesday morning, we will then
15 hear closing arguments. I will give you my instructions on
16 the law, and then you will start your deliberations.

17 So, because you are going to be away from us for
18 longer than we have been away from each other since last week,
19 let me remind you again: Please do not discuss this case with
20 anyone at all, not even your family. Please do not do any
21 research about the case , no Googling, no TikToking, no
22 WhatsApp'ing, nothing at all. Don't research any of the
23 things that you have heard. Again, if there's media coverage,
24 hit the remote control, flip the page, click the mouse, do
25 what you need to do to stay away with anything that you do on

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1 this.

2 And I also want to mention to you, we are adjourning
3 for the 4th of July holiday, one thing you might want to think
4 about just to impress upon yourselves the seriousness of this
5 task that you are undertaking is that we are one of the few
6 countries in the world that trusts our fellow citizens to sit
7 in matters like this. In all but a handful of countries,
8 everyone has professional judges determining cases like this.
9 We don't do that here because we think it's part of your
10 participation in the Democratic process that you get this
11 close to our justice system, and we trust your judgment
12 because we know how seriously you take these matters.

13 So, you might want to think about that special trust
14 that exists between the people of this country over the 4th of
15 July weekend. Enjoy it. Don't party too much because we need
16 you fresh on Tuesday morning, but have a good weekend.

17 (Jury exits.)

18 THE COURT: Okay, have a seat just for a minute and
19 let's sum up where we are.

20 We have your e-mail addresses and we will e-mail you
21 a set of the proposed charge and verdict form, if not tonight,
22 certainly over the weekend.

23 And just so you know, my plan at the charging
24 conference is, you know, the instructions are in three parts.
25 You have all the preliminary stuff, and then you've got the

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1 substantive charge, and then you've got a little advice for
2 the jury at the end.

3 Generally, what I do at the charging conference is I
4 just ask if anyone has any changes to the entirety of the
5 first part, because that is mostly boilerplate and we've all
6 seen that before and that takes a second.

7 And then I will go page by page through the
8 substantive charge to see if there's any changes or additions
9 that you think ought to be in there.

10 And then I'll do the same group question with regard
11 to the last part.

12 Additional homework, the Government, at least, if
13 not the defense as well, is going to pin down Mr. Kaley on
14 whether his client would invoke the fifth. Based on what
15 happens there, I expect some kind of stipulation to be worked
16 out between the parties as to the availability of this
17 witness. See what you can do.

18 And I think that's all I've got.

19 Anything else that we need to talk about first?

20 MS. NGUYEN: Not from the Government.

21 MR. GUADAGNINO: And, Your Honor, based on your
22 analysis of their answer with respect to Mr. Kaley, if the
23 defendant -- I'm sorry -- the witness would take the fifth,
24 Your Honor will rule.

25 And then if we don't get the missing witness charge,

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1 you will let me know if I can argue on summation?

2 THE COURT: Yes, I am glad you mentioned that.

3 I am going to need a letter from the Government if

4 the Government is opposed to letting him do that. Okay?

5 Because I kind of think if he wants to do that, it is probably
6 okay, but I will willing to be convinced.

7 MS. NGUYEN: Yes, Your Honor, we'll
8 present something to you.

9 THE COURT: Try to have that by Saturday, if you
10 can, sometime on Saturday, so that if the defense wants to
11 respond to it, they have a couple of days to do that as well.

12 MS. NGUYEN: Yes.

13 THE COURT: All right, enjoy the holiday, everyone.

14 MR. GUADAGNINO: Thank you, Judge.

15 THE COURT: See you next week.

16 MR. BUFORD: Thank you, Your Honor.

17 MS. NGUYEN: Thank you, you too.

18 (Judge BRIAN M. COGAN exited the courtroom.)

19 (Defendant exited the courtroom.)

21 (Matter adjourned to Tuesday, July 6th, 2021 at 9:30 a.m.)

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1 I N D E X

| 2 | 3 <u>WITNESS</u> | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | <u>PAGE</u> | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | MELISSA GALICIA | | | CROSS-EXAMINATION BY MR. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | GUADAGNINO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | REDIRECT EXAMINATION BY MS. NGUYEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | HISLATJON SADIZODA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | DIRECT EXAMINATION BY MR. BUFORD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | CROSS-EXAMINATION BY MR. GUADAGNINO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | DAVID RIVERA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | DIRECT EXAMINATION BY MS. NGUYEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | CROSS-EXAMINATION BY MR. GUADAGNINO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | REDIRECT EXAMINATION BY MS. NGUYEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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1 E X H I B I T S
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|----|--|------|
| 4 | Government's Exhibit 111 | 1166 |
| 5 | | |
| 6 | Government's Exhibit 514B | 1172 |
| 7 | | |
| 8 | Government's Exhibit 515B | 1179 |
| 9 | | |
| 10 | Government's Exhibit 510B | 1183 |
| 11 | | |
| 12 | Government's Exhibits 511A, 511B, 512A and | |
| 13 | 512B | 1189 |
| 14 | | |
| 15 | Government's Exhibits 296 through 299 | 1199 |
| 16 | | |
| 17 | Government's Exhibit 253, Sub-exhibits 253.1 | |
| 18 | to 253.8 | 1210 |
| 19 | | |
| 20 | Government's Exhibit 259 | 1212 |
| 21 | | |
| 22 | Government Exhibit 255, including | |
| 23 | Sub-exhibits 255.1 to 255.6 | 1218 |
| 24 | | |
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E X H I B I T S (Cont'd)

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| Government Exhibit 258, including | |
| Sub-exhibits 258.1 to 258.16 | 1221 |
| Government's Exhibits 286 through 290 | 1234 |
| Government's Exhibits 201 through 207 | 1244 |
| Government's Exhibit 333 | 1259 |
| Government's Exhibit 258.17 | 1298 |